

NORTH CAROLINA REGISTER

VOLUME 13 • ISSUE 5 • Pages 435 - 534

September 1, 1998

IN THIS ISSUE

HIIS - Medical Assistance
Acupuncture Licensing Board
Administration
Community Colleges
Electrical Contractors, Board of Examiners
Environment and Natural Resources
Health and Human Services
Insurance
Personnel, Office of
Public Education
Real Estate Appraisal Board
Revenue
Transportation
Rules Review Commission
Contested Case Decisions

PUBLISHED BY

*The Office of Administrative Hearings
Rules Division
PO Drawer 27447
Raleigh, NC 27611-7447
Telephone (919) 733-2678
Fax (919) 733-3462*

RECEIVED

SEP 09 1998

**KATHRINE R. EVERETT
LAW LIBRARY**

For those persons that have questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address, but are not inclusive.

Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

Office of Administrative Hearings
Rules Division

Capehart-Creech House
424 North Blount Street
Raleigh, North Carolina 27601-2817

(919) 733-2678
(919) 733-3462 FAX

contact: Molly Masich, Director APA Services
Ruby Creech, Publications Coordinator

mmasich@oah.state.nc.us
rcreech@oah.state.nc.us

Fiscal Notes & Economic Analysis

Office of State Budget and Management
116 West Jones Street
Raleigh, North Carolina 27603-8005

(919) 733-7061
(919) 733-0640 FAX

contact: Mark Sisak, Economist III

msisak@osbm.state.nc.us

Rule Review and Legal Issues

Rules Review Commission
1307 Glenwood Ave., Suite 159
Raleigh, North Carolina 27605

(919) 733-2721
(919) 733-9415 FAX

contact: Joe DeLuca Jr., Staff Director Counsel
Bobby Bryan, Staff Attorney

Legislative Process Concerning Rule-making

Joint Legislative Administrative Procedure Oversight Committee
545 Legislative Office Building
300 North Salisbury Street
Raleigh, North Carolina 27611

(919) 733-2578
(919) 715-5460 FAX

contact: Mary Shuping, Staff Liaison

marys@ms.ncga.state.nc.us

County and Municipality Government Questions or Notification

NC Association of County Commissioners
215 North Dawson Street
Raleigh, North Carolina 27603

(919) 715-2893

contact: Jim Blackburn or Rebecca Troutman

NC League of Municipalities
215 North Dawson Street
Raleigh, North Carolina 27603

(919) 715-4000

contact: Paula Thomas

NORTH CAROLINA REGISTER

IN THIS ISSUE



Volume 13, Issue 5
Pages 435 - 534

September 1, 1998

This issue contains documents officially filed
through August 11, 1998.

Office of Administrative Hearings
Rules Division
424 North Blount Street (27601)
PO Drawer 27447
Raleigh, NC 27611-7447
(919) 733-2678
FAX (919) 733-3462

Julian Mann III, Director
Camille Winston, Deputy Director
Molly Masich, Director of APA Services
Ruby Creech, Publications Coordinator
Jean Shirley, Editorial Assistant
Linda Dupree, Editorial Assistant

I. IN ADDITION	
HHS - Medical Assistance	435
II. RULE-MAKING PROCEEDINGS	
Environment and Natural Resources	
Coastal Management	436
Health and Human Services	
Mental Health, Developmental Disabilities and Substance Abuse Services	436
Office of State Personnel	
State Personnel Commission	436 - 437
III. PROPOSED RULES	
Environment and Natural Resources	
Environment and Natural Resources, Department of	491 - 492
Parks and Recreation	495 - 496
Wildlife Resources Commission	492 - 495
Health and Human Services	
Health: Epidemiology	496
Mental Health, Developmental Disabilities and Substance Abuse Services	487 - 488
Social Services	438 - 487
Insurance	
Manufactured Housing Board	488 - 489
Life and Health Division	489 - 491
Licensing Boards	
Acupuncture Licensing Board	501 - 502
Electrical Contractors, Board of Examiners	502 - 513
Real Estate Appraisal Board	513 - 520
Revenue	
License and Excise Tax Division	496 - 501
Transportation	
Highways, Division of	501
IV. TEMPORARY RULES	
Administration	
NonPublic Education	521 - 523
Community Colleges	
Community Colleges, Board of	524 - 525
Public Education	
Education, State Board of	523 - 524
V. RULES REVIEW COMMISSION	526 - 528
VI. CONTESTED CASE DECISIONS	
Index to ALJ Decisions	529 - 532
Text of Selected Decisions	
97 CPS 1499	533 - 534
VII. CUMULATIVE INDEX	1 - 61

NORTH CAROLINA ADMINISTRATIVE CODE CLASSIFICATION SYSTEM

The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.

TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE	DEPARTMENT	LICENSING BOARDS	CHAPTER
-------	------------	------------------	---------

1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Athletic Trainer Examiners	3
4	Commerce	Auctioneers	4
5	Correction	Barber Examiners	6
6	Council of State	Certified Public Accountant Examiners	8
7	Cultural Resources	Chiropractic Examiners	10
8	Elections	Employee Assistance Professionals	11
9	Governor	General Contractors	12
10	Health and Human Services	Cosmetic Art Examiners	14
11	Insurance	Dental Examiners	16
12	Justice	Dietetics/Nutrition	17
13	Labor	Electrical Contractors	18
14A	Crime Control & Public Safety	Electrolysis	19
15A	Environment and Natural Resources	Foresters	20
		Geologists	21
16	Public Education	Hearing Aid Dealers and Fitters	22
17	Revenue	Landscape Architects	26
18	Secretary of State	Landscape Contractors	28
19A	Transportation	Marital and Family Therapy	31
20	Treasurer	Medical Examiners	32
*21	Occupational Licensing Boards	Midwifery Joint Committee	33
22	Administrative Procedures	Mortuary Science	34
23	Community Colleges	Nursing	36
24	Independent Agencies	Nursing Home Administrators	37
25	State Personnel	Occupational Therapists	38
26	Administrative Hearings	Opticians	40
27	NC State Bar	Optometry	42
		Osteopathic Examination & Reg. (Repealed)	44
		Pastoral Counselors, Fee-Based Practicing	45
		Pharmacy	46
		Physical Therapy Examiners	48
		Plumbing, Heating & Fire Sprinkler Contractors	50
		Podiatry Examiners	52
		Professional Counselors	53
		Psychology Board	54
		Professional Engineers & Land Surveyors	56
		Real Estate Appraisal Board	57
		Real Estate Commission	58
		Refrigeration Examiners	60
		Sanitarian Examiners	62
		Social Work Certification	63
		Soil Scientists	69
		Speech & Language Pathologists & Audiologists	64
		Substance Abuse Professionals	68
		Therapeutic Recreation Certification	65
		Veterinary Medical Board	66

Note: Title 21 contains the chapters of the various occupational licensing boards.

NORTH CAROLINA REGISTER
Publication Schedule
(June 1998 - March 1999)

FILING DEADLINES			NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT (either column A or column B)							TEMPORARY RULE
volume and issue number	issue date	last day for filing	earliest register issue for publication of text	earliest date for public hearing	A. non-substantial economic impact			B. substantial economic impact			270 th day from issue date
					end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	
12:23	06/01/98	05/08/98	08/03/98	06/16/98	07/01/98	07/20/98	01/27/99	07/31/98	08/20/98	01/27/99	02/26/99
12:24	06/15/98	05/22/98	08/14/98	06/30/98	07/15/98	07/20/98	01/27/99	08/14/98	08/20/98	01/27/99	03/12/99
13:01	07/01/98	06/10/98	09/01/98	07/16/98	07/31/98	08/20/98	01/27/99	08/31/98	09/21/98	01/27/99	03/28/99
13:02	07/15/98	06/23/98	09/15/98	07/30/98	08/14/98	08/20/98	01/27/99	09/14/98	09/21/98	01/27/99	04/11/99
13:03	08/03/98	07/13/98	10/15/98	08/18/98	09/02/98	09/21/98	01/27/99	10/02/98	10/20/98	01/27/99	04/30/99
13:04	08/14/98	07/24/98	10/15/98	08/31/98	09/14/98	09/21/98	01/27/99	10/13/98	10/20/98	01/27/99	05/11/99
13:05	09/01/98	08/11/98	11/02/98	09/16/98	10/01/98	10/20/98	01/27/99	11/02/98	11/20/98	01/27/99	05/29/99
13:06	09/15/98	08/24/98	11/16/98	09/30/98	10/15/98	10/20/98	01/27/99	11/16/98	11/20/98	01/27/99	06/12/99
13:07	10/01/98	09/10/98	12/01/98	10/16/98	11/02/98	11/20/98	01/27/99	11/30/98	12/21/98	05/00	06/28/99
13:08	10/15/98	09/24/98	12/15/98	10/30/98	11/16/98	11/20/98	01/27/99	12/14/98	12/21/98	05/00	07/12/99
13:09	11/02/98	10/12/98	01/04/99	11/17/98	12/02/98	12/21/98	05/00	01/04/99	01/20/99	05/00	07/30/99
13:10	11/16/98	10/23/98	01/15/99	12/01/98	12/16/98	12/21/98	05/00	01/15/99	01/20/99	05/00	08/13/99
13:11	12/01/98	11/05/98	02/01/99	12/16/98	12/31/98	01/20/99	05/00	02/01/99	02/22/99	05/00	08/28/99
13:12	12/15/98	11/20/98	02/15/99	12/30/98	01/14/99	01/20/99	05/00	02/15/99	02/22/99	05/00	09/11/99
13:13	01/04/99	12/09/98	03/15/99	01/19/99	02/03/99	02/22/99	05/00	03/05/99	03/22/99	05/00	10/01/99
13:14	01/15/99	12/23/98	04/02/99	02/01/99	02/15/99	02/22/99	05/00	03/16/99	03/22/99	05/00	10/12/99
13:15	02/01/99	01/08/99	04/15/99	02/16/99	03/03/99	03/22/99	05/00	04/02/99	04/20/99	05/00	10/29/99
13:16	02/15/99	01/25/99	05/03/99	03/02/99	03/17/99	03/22/99	05/00	04/16/99	04/20/99	05/00	11/12/99
13:17	03/01/99	02/08/99	05/03/99	03/16/99	03/31/99	04/20/99	05/00	04/30/99	05/20/99	05/00	11/26/99
13:18	03/15/99	02/22/99	05/14/99	03/30/99	04/14/99	04/20/99	05/00	05/14/99	05/20/99	05/00	12/10/99

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) notices of rule-making proceedings;
- (3) text of proposed rules;
- (4) text of permanent rules approved by the Rules Review Commission;
- (5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;
- (6) Executive Orders of the Governor;
- (7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;
- (8) orders of the Tax Review Board issued under G.S. 105-241.2; and
- (9) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month closest to (either before or after) the first or fifteenth respectively that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF RULE-MAKING PROCEEDINGS

END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS: This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.

EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT: The date of the next issue following the end of the comment period.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD

- (1) **RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT:** An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.
- (2) **RULE WITH SUBSTANTIAL ECONOMIC IMPACT:** An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.

This Section contains public notices that are required to be published in the Register or have been approved by the Codifier of Rules for publication.

TITLE 10 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHAPTER 26 - MEDICAL ASSISTANCE

SUBCHAPTER 26M - MANAGED CARE AND PREPAID PLANS

This agency is extending the comment period to September 14, 1998 on 10 NCAC 26M .0201 - .0204 rules. These rules were published in 10 NCR 13:1 pages 5 - 6.

Written comment concerning these rule-making actions must be submitted by September 14, 1998 to Portia W. Rochelle, Rule-making Coordinator, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, NC 27603, Tel: (919) 857-4094.

A Notice of Rule-making Proceedings is a statement of subject matter of the agency's proposed rule making. The agency must publish a notice of the subject matter for public comment at least 60 days prior to publishing the proposed text of a rule. Publication of a temporary rule serves as a Notice of Rule-making Proceedings and can be found in the Register under the section heading of Temporary Rules. A Rule-making Agenda published by an agency serves as Rule-making Proceedings and can be found in the Register under the section heading of Rule-making Agendas. Statutory reference: G.S. 150B-21.2.

TITLE 10 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHAPTER 14 - MENTAL HEALTH: GENERAL

SUBCHAPTER 14V - RULES FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE FACILITIES AND SERVICES

Notice of Rule-making Proceedings is hereby given by the Secretary of Health and Human Services in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 10 NCAC 14V .7201. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 122C-112(a)(11)

Statement of the Subject Matter: In order to meet requirements of the Health Care Financing Administration in the implementation of the 1915C Home and Community-Based Service Waiver, North Carolina will require area programs to ensure that clients have a choice of provider for CAP/MR-DD services.

Reason for Proposed Action: CFR 42 Part 430 Subpart G addresses Choice of Provider and in order for North Carolina to comply with requirements of the Health Care Financing Administration (HCFA), it must ensure that area programs offer a choice of provider to clients who receive CAP/MR-DD services.

Comment Procedures: Comments should be submitted to Charlotte F. Hall, Division of Mental Health, Developmental Disabilities and Substance Abuse Services, 325 N. Salisbury Street, Albemarle Building, Suite 1156, Raleigh, NC 27603-5906.

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

CHAPTER 7H - COASTAL MANAGEMENT

Notice of Rule-making Proceedings is hereby given by the DENR-Coastal Resources Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 7H .0300, .2100, .2400. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113A-107; 113A-107(a),(b); 113A-113(b)(6a),(b)(6b),(b)(6d); 113A-118.1; 113A-124

Statement of the Subject Matter:

15A NCAC 7H .0300 - The proposed amendment will allow for the construction of bulkheads and piers within the Ocean Hazard AEC for those shorelines that exhibit Estuarine Shoreline characteristics.

15A NCAC 7H .2100, .2400 - The proposed amendment will allow for the construction of wetland enhancement breakwaters for shoreline protection in Estuarine and Public Trust Waters. The proposed adoption will allow for the placement of riprap material to protect eroding wetland areas.

Reason for Proposed Action:

15A NCAC 7H .0300 - Response to variance request decisions involving construction of piers in Ocean Hazard AEC's that exhibit Estuarine Shoreline characteristics.

15A NCAC 7H .2100, .2400 - Based on staff recommendations the Coastal Resources Commission proposes to amend existing rules and to develop a new General Permit to allow erosion control structures to protect all wetland areas.

Comment Procedures: Contact Charles Jones, 151-B Highway 24, Morehead City, NC 28570, (252)808-2808.

TITLE 25 - OFFICE OF STATE PERSONNEL

CHAPTER 1 - OFFICE OF STATE PERSONNEL

Notice of Rule-making Proceedings is hereby given by the State Personnel Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making:

25 NCAC 1B .0354, .0437; 1H .0602, .0605, .0606; 1J .0503, .0512, .0603. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 126-4

Statement of the Subject Matter:

25 NCAC 1B .0354 - Time frame for raising allegation of hiring based on political affiliation or political influence.

25 NCAC 1B .0437 - Procedures for appealing to the State Personnel Commission and Recruitment and Selection Process for process due to Senate Bill 886 - Most Qualified Applicants.

25 NCAC 1H .0602 - Posting and Announcements of Vacancies.

25 NCAC 1H .0605 - Special Applicant Considerations and Agency Responsibilities concerning agency recruitment and selection.

25 NCAC 1H .0606 - Selection of Applicants concerning agency recruitment and selection.

25 NCAC 1J .0503 - Minimum procedural requirements in state employee grievance proceedings.

25 NCAC 1J .0512 - Employee grievances based on political affiliation or political influence.

25 NCAC 1J .0603 - Minimum procedural requirements in state employee grievance proceedings.

Reason for Proposed Action:

25 NCAC 1B .0354 - To adopt a new rule that establishes the procedure for filing a grievance which raises certain allegations in an appeal under the State Personnel Act. Changes are necessitated by amendments to Chapter 126, the State Personnel Act, by Senate Bill 886 passed during the 1997 Session of the General Assembly.

25 NCAC 1B .0437 - To amend the procedure whereby the State Personnel Commission hears and considers appeals under Chapter 126. Changes are necessitated by amendments to Chapter 126, the State Personnel Act, by Senate Bill 886 passed during the 1997 Session of the General Assembly.

25 NCAC 1H .0602 - To amend the existing rules governing priority reemployment consideration which is owed to certain State employees in State government positions subject to applicable provisions of the State Personnel Act. Changes are necessitated by amendments to Chapter 126, the State Personnel Act, by Senate Bill 886 passed during the 1997 Session of the General Assembly.

25 NCAC 1H .0605 - To amend existing rules governing the selection of applicants in the recruitment and selection process for State government positions subject to the applicable provisions of the State Personnel Act. Changes are necessitated by amendments to Chapter 126, the State Personnel Act, by Senate Bill 886 passed during the 1997 Session of the General Assembly.

25 NCAC 1H .0606 - To amend existing rules governing the selection of applicants in the recruitment and selection process for State government positions subject to the applicable provisions of the State Personnel Act. Changes are necessitated by amendments to Chapter 126, the State Personnel Act, by

Senate Bill 886 passed during the 1997 Session of the General Assembly.

25 NCAC 1J .0503 - To amend existing rules governing the selection of applicants in the recruitment and selection process for State government positions subject to the applicable provisions of the State Personnel Act. Changes are necessitated by amendments to Chapter 126, the State Personnel Act, by Senate Bill 886 passed during the 1997 Session of the General Assembly.

25 NCAC 1J .0512 - To adopt a new rule that establishes the procedure for filing a grievance which raises certain allegations in an appeal under the State Personnel Act. Changes are necessitated by amendments to Chapter 126, the State Personnel Act, by Senate Bill 886 passed during the 1997 Session of the General Assembly.

25 NCAC 1J .0603 - To amend existing rules governing the procedural requirements for certain appeals to the State Personnel Commission under Chapter 126. Changes are necessitated by amendments to Chapter 126, the State Personnel Act, by Senate Bill 886 passed during the 1997 Session of the General Assembly.

Comment Procedures: Any interested person may submit written comments addressed to Delores Stanley, Rule-making Coordinator, 116 West Jones Street, Raleigh, NC 27603-8004. Written comments must be received by 5:00 p.m. on October 29, 1998.

This Section contains the text of proposed rules. At least 60 days prior to the publication of text, the agency published a Notice of Rule-making Proceedings. The agency must accept comments on the proposed rule for at least 30 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. The required comment period is 60 days for a rule that has a substantial economic impact of at least five million dollars (\$5,000,000). Statutory reference: G.S. 150B-21.2.

TITLE 10 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Social Services Commission intends to adopt the rules cited as 10 NCAC 41S .0101-.0102, .0201-.0204, .0301-.0307, .0401-.0407, .0501-.0506, .0601-.0615, .0701-.0713; 10 NCAC 41T .0101-0106, .0201-.0206 and repeal the rules cited as 10 NCAC 41E .0401, .0403-.0406, .0501-.0518, .0601-.0606, .0701-.0704; 10 NCAC 41G .0501-.0502, .0504-.0513, .0601-.0606, .0701-.0708, .0801-.0809, .0902, .1001-.1002, .1004-.1013, .1101-.1106, .1201-.1208, .1301-.1309, .1402; 10 NCAC 41R .0101-.0107. Notice of Rule-making Proceedings was published in the Register on December 1, 1997.

Proposed Effective Date: April 1, 1999

A Public Hearing will be conducted at 10:00 a.m. on September 9, 1998 at the Albemarle Building, Room 943-2, 325 N. Salisbury Street, Raleigh, NC 27603.

Reason for Proposed Action: In 1992, the North Carolina Association of Residential Child Care and Family Services requested and received approval and support from the Division of Social Services to establish a statewide committee made up of NCARCCFS members and Division of Social Services staff to develop licensure rules for residential child care facilities (10 NCAC 41S) and to develop licensure rules for two specialized residential child care program areas (10 NCAC 41T). The adoption of new rules was requested in order to update existing licensure rules, to streamline the licensure process and to assure compliance with the most current child welfare practice standards in these areas. In order to implement the proposed new rules, the existing rules in 10 NCAC 41E (Group Homes-adopted in 1982), 10 NCAC 41G (Child-Care institution-adopted in 1977) and 10 NCAC 41R (Foster Care Camps-adopted in 1986) will need to be repealed. The proposed rules were developed by a committee process over a three year period and resulted from an analysis of the existing rules and a comparison with licensure rules from 10 other states, CWLA Standards and COA Standards by the committee. During 1997, the committee and Children's Services staff reviewed the rules and made final revisions to ensure compliance with the latest child welfare practice standards. In October, 1997, the NCARCCFS officially approved these rules at the annual Executive Directors' meeting.

Comment Procedures: Anyone wishing to comment on these proposed rules should contact Sharnese Ransome, APA Coordinator, Social Services Commission, NC Division of Social Services, 325 N. Salisbury Street, Raleigh, NC 27603,

phone (919) 733-3055.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 41 - CHILDREN'S SERVICES

SUBCHAPTER 41E - LICENSING OF GROUP HOMES FOR CHILDREN

SECTION .0400 - ADMINISTRATION

.0401 CONSULTATIVE SERVICES

~~Consultative services are provided by the Department of Human Resources as follows:~~

- ~~(1) Exploration and analysis of the need for the service.~~
- ~~(2) Evaluation of the organization's potential for meeting the identified need.~~
- ~~(3) Interpretation of minimum licensing standards.~~
- ~~(4) Assistance in meeting minimum licensing standards.~~
- ~~(5) Consultation to assist the licensee to move beyond minimum standards; to change or improve the method of operation or the quality of care being provided.~~

Authority G.S. 131D, Art. 1A; 143B-153.

.0403 DEFINITIONS

~~The following definitions shall apply throughout Chapter 41 except that Subparagraph (7) of this Rule shall not apply to 41I:~~

- ~~(1) Group Home. A residential facility operated either under public or private auspices which receives for 24 hour care no more than nine children. This number includes the care givers' own relatives under the ages of 18. The composition of the group shall include no more than two children under the age of 2, four children under the age of 6, and six children under the age of 12. A group home shall not provide day care, nor shall it be available to adults in the community who wish to rent rooms.~~
- ~~(2) Private Group Home. A group home under the control, management, and supervision of a private non-profit organization, which operates independently of a foster care services agency, a child caring institution, or a licensed child placing agency.~~
- ~~(3) Public Group Home. A group home under the control, management, and supervision of a county government.~~
- ~~(4) Private Agency Group Home. A group home under the control, management, and supervision of a foster care services agency, a child caring institution, or a~~

licensed child placing agency:

- (5) ~~Public Agency Group Home.~~ A group home under the control, management, and supervision of a county department of social services.
- (6) ~~License.~~ Permission granted to a corporation, agency or county government by the Department of Human Resources to engage in the provision of full time child care based upon an initial determination, and annually thereafter, that such corporation, agency, or a county government has met and complied with minimum standards set forth in this Subchapter.
- (7) ~~Emergency Shelter Home.~~ A group home which provides residential care for a period not to exceed 90 days.

Authority G.S. 131D-10.5; 143B-153.

.0404 LICENSING PROCESS

(a) ~~Application.~~ The application phase of the licensing process brings the persons wanting to give residential child care under the jurisdiction of the licensing statute and provides an opportunity for the applicant to explore and understand requirements.

(b) ~~Study.~~ The study phase focuses on obtaining knowledge of the proposed program and projected methods of operation. For private group homes the Department of Human Resources staff, together with those seeking to be licensed, are responsible for completing the study phase. For agency group homes, the supervising agency will be responsible for completing the study.

(c) ~~Approval or Rejection.~~ The decision to give or withhold official sanction by issuing or refusing to issue a license to operate a residential child care program is based on information obtained during the study phase and is reached through administrative processes within the Department of Human Resources.

Authority G.S. 131D, Art. 1A; 143B-153.

.0405 KINDS OF LICENSES

(a) ~~Full License.~~ A full license is issued for one year when all minimum licensing requirements are met.

(b) ~~Provisional License.~~

- (1) A provisional license is issued for a maximum of six months enabling a facility to operate while some below standard component of the program is being corrected.
- (2) A provisional license for the same below standard program component cannot be renewed.

Authority G.S. 131D, Art. 1A; 143B-153.

.0406 LICENSING ACTIONS

(a) ~~New License.~~ A new license is issued when the Department of Human Resources determines that the group home is in compliance with minimum licensing standards.

(b) ~~Renewal.~~ Licenses must be renewed annually.

(c) ~~Ninety Day Grace Period.~~

- (1) A license is automatically provided a 90 day grace

period after the license expiration date.

- (2) If the license is not renewed by the end of the 90 day grace period, the license is terminated.
- (d) ~~Change in any function information on the license.~~
 - (1) A license may be changed during the period of time it is in effect if the change is in compliance with minimum licensing standards.
 - (2) A license may not be changed during the 90 day grace period.
 - (3) The group home or the agency of an agency group home must notify the Children's Services Branch in writing of its request for a change in license, including such information as is necessary to assure that the change is in compliance with minimum licensing standards.

(e) ~~Termination.~~

- (1) when a group home voluntarily discontinues child caring operations, the Children's Services Branch must be notified in writing of the date and reason for closing;
- (2) if all licensing materials have not been received by the end of the 90 day grace period, the group home's license will be terminated.

(f) ~~Revocation.~~

- (1) Revocation of a license may occur when the group home is not in compliance with minimum licensing standards and it is determined that compliance cannot be accomplished within established time limits.
- (2) The decision to revoke a license is reached through administrative processes within the Department of Human Resources.
- (3) The group home or agency of an agency group home will be notified in writing of the decision to revoke a license.

Authority G.S. 131D-10.5; 143B-153.

SECTION .0500 - MINIMUM STANDARDS FOR PRIVATE AND PUBLIC GROUP HOMES

.0501 INCORPORATION

Those seeking to establish and carry out child caring activities shall be incorporated under Chapter 55 or Chapter 55A of the General Statutes of North Carolina and shall meet all of the provisions therein except that county governments shall not be subject to these statutes:

- (1) The charter of incorporation shall define the purpose and function of the corporation, including:
 - (a) the geographic area to be served;
 - (b) the kind(s) of children to be served;
 - (c) the range of services which will be provided.
- (2) The corporation shall periodically re-evaluate its functions and purpose. Changes in functions and purpose shall be provided for in amendments to the charter.

Authority G.S. 131D, Art. 1A; 143B-153.

.0502 GOVERNING BODY

The group home shall have a governing body (hereafter referred to as board) responsible for its proper function in accordance with its charter and the purposes set forth therein:

- (1) The bylaws of the board shall include the following provisions:
 - (a) The board shall be composed of representatives of various interests and occupations;
 - (b) The board shall have a plan for the rotation of members;
 - (c) The board shall meet with a quorum present at least quarterly. A majority of the board shall constitute a quorum;
- (2) Powers and duties of the board shall include the following:
 - (a) to determine the purposes and functions of the group home;
 - (b) to employ an executive director;
 - (c) to define, in writing, the functions and responsibilities of the executive director, and the basis upon which the Director may be dismissed;
 - (d) to develop with the executive director the policies of the group home;
 - (e) to annually evaluate the program and policies of the group home to determine effectiveness and any needed changes;
 - (f) to annually evaluate the performance of the executive director;
 - (g) to assure adequate financial support for the program of child care;
 - (h) to approve an annual budget for the program of child care;
 - (i) to keep official minutes of all board meetings as a part of the organization's permanent records;
 - (j) to be guided by the community needs in the program's overall direction, services, policies and administration.

Authority G.S. 131D-10.5; 143B-153.

.0503 FINANCES

(a) The group home shall have a sound plan of financing which assures sufficient funds to enable it to carry out its defined purposes and provide proper care for children.

(b) The new group home shall have sufficient funds assured to carry it through its first year of operation and assurance of adequate continuing support.

(c) The group home which receives government funds shall have an independent audit of the financial records of the corporation made at least annually and the report shall be made a part of the home's records. A copy of this audit shall be sent to the Division of Social Services. If this function is carried out by the county's financial representative, an audit will not be required on an annual basis.

(d) An estimated budget shall be prepared and approved jointly by the board of directors and the executive at the beginning of each fiscal year showing income and expenditures, including such details as are required on the annual report.

(e) A financial committee of the board shall be responsible for the supervision of the investments of the group home, working with the executive in preparing the budget, approving unusual expenditures, and planning for securing adequate funds.

(f) After a permit to develop has been received and if the organization plans to solicit funds for the proposed group home, the North Carolina law regarding solicitation of funds as found in G.S. 131C shall be met.

Authority G.S. 131D-10.5; 143B-153.

.0504 STAFF

(a) Executive Director.

(1) Qualifications

(A) The executive director shall have ability as an administrator and the training and experience that qualifies him for his job responsibilities;

(B) The executive director shall be at least 21 years of age.

(2) Functions. The executive director shall be responsible for the general management and administration of the agency in accordance with licensing requirements and policies of the governing body. The functions of the Director or his designee shall include but not be limited to the following:

(A) Interpretation of licensing standards and established child care standards to the Board;

(B) Initiating and carrying out a sound program of residential child care in accordance with established standards and as approved by the Board of Directors;

(C) Preparing the group home budget with the assistance of those of his staff whose responsibilities or abilities qualify them to help;

(D) Presenting the budget to the Board or governing authority for approval;

(E) Employing and discharging all members of his staff;

(F) Holding staff meetings at regular intervals and discussing plans and policies with his staff;

(G) Organizing and promoting a program of education for the continued training and development of the staff;

(H) Supervision of the group home staff;

(I) Conducting with each staff member an annual evaluation regarding his job performance. A written copy of each evaluation shall be kept on file;

(J) Establishing and maintaining good working relationships with other social services agencies in the community, and assuming responsibility for the interpretation of the home's program;

(K) Administration, admissions and discharges of children and the child care program with such delegation of actual work in these areas as is appropriate.

(b) Professional Services Staff.

(1) Each group home shall have available those

professional services which assure quality care for children and provide planning services with their families, including the following:

- (A) —doctors;
 - (B) —dentists;
 - (C) —nurses;
 - (D) —social workers;
 - (E) —psychologists;
 - (F) —psychiatrists;
 - (G) —nutritionists;
 - (H) —recreation workers;
 - (I) —teachers.
- (2) —Services may be purchased on an individual basis or provided by members of the home staff, or obtained through public or private programs.
- (3) —Professional workers shall have those special qualifications that enable them to work with children.
- (c) —Child Care Staff, Counselors, Teaching Parents or Houseparents.
- (1) —Qualifications
 - (A) —shall be at least 18 years old;
 - (B) —shall be mentally and physically fit as evidenced by the following:
 - (i) —a physical examination completed by a physician, physician's assistant, or nurse practitioner, hereafter referred to as "licensed medical provider", prior to assuming the position and every other year thereafter. The costs of physical examinations which are required for continuing employment are to be paid by the group home;
 - (ii) —a health questionnaire completed by the individual staff on each year when a physical examination is not required;
 - (iii) —a TB skin test prior to assuming the position, and annually thereafter, except when the licensed medical provider advises against it;
 - (C) —shall have education, training and experience sufficient to equip them for the duties assigned;
 - (D) —shall not be persons who have been found to have neglected or abused a child by any agency duly authorized by law to investigate allegations of abuse or neglect.
- (2) —Duties
- (A) —shall have responsibility for the day to day activities of the home and care of the children.
 - (B) —shall assume those duties assigned them in accordance with any specialized program of the home.
- (d) —Clerical Staff. Each home shall have adequate clerical services to keep correspondence, records, bookkeeping and files current and in good order.

Authority G.S. 131D-10.5; 143B-153.

.0505 PERSONNEL POLICIES

- (a) —Leave. The group home shall have a written policy which

provides child care staff time off duty each month, including one 48 hour period, depending on the staffing pattern utilized and the type of care provided.

- (b) —Job Descriptions. —Duties, responsibilities, and qualifications for each staff position shall be defined in writing.

Authority G.S. 131D-10.5; 143B-153.

.0506 SOCIAL SERVICES: ADMISSIONS: POLICIES: PROCEDURES

- (a) —Admission policies shall be clearly defined in writing and shall be reviewed annually and changed as needs and conditions in the community change.

- (b) —Admission procedures shall be in keeping with the stated policies of the group home, and admissions shall be limited to those children for whom the home is qualified by staff, program, facilities, and services to give adequate care.

- (c) —In group homes other than shelter homes, the following information and materials shall be obtained prior to admission:

- (1) —Verification that the person making application for placement has the authority to do so;
- (2) —A completed application for services signed by the parents, legal custodian or agency with the authority to place the child;
- (3) —A social summary which includes background information on the child, his family, his presenting problems and current circumstances which will enable the group home staff to determine if the child's needs are consistent with the home's program of care;
- (4) —A written placement agreement signed by authorized persons which includes the services to be provided by the group home, and the responsibilities of the parents and legal custodian, indicating who will be responsible for the child's financial and medical needs, fees to be paid, consent for emergency medical treatment, length of stay, visitation expectations and limitations between the child and his family, and the schedule of review conferences;
- (5) —Documentation of a physical examination as specified in Rule .0514(a)(1) of this Subchapter.

- (d) —In a group home that has a written agreement with a department of social services to provide residential child care exclusively for children for whom that department of social services has placement authority, the group home or department of social services must comply with all provisions of Paragraph (c) of this Rule. Specific responsibilities for social services in Paragraph (c) of this Rule shall be defined in the written agreement.

- (e) —In shelter homes the following information and materials shall be obtained:

- (1) —Determination of custody within 72 hours of admission with the legal custodian participating in the admission procedure;
- (2) —A written consent for placement signed by the legal custodian within 72 hours after admission;
- (3) —A social summary which includes background information on the child, his family, his presenting

problems, and current circumstances within two weeks of admission;

- (4) — Documentation of a physical as specified in Rule .0514(a)(1) of this Subchapter within two weeks of admission.

(f) In a shelter home that has a written agreement with a department of social services to provide residential child care exclusively for children for whom the department of social services has placement authority, the shelter home or department of social services must comply with all provisions of Paragraph (e) of this Rule. Specific responsibilities for social services in Paragraph (e) of this Rule shall be defined in the written agreement.

(g) In group homes other than shelter homes, a written plan of care for each child shall be developed at the time of admission, and reviewed at least semiannually by the group home staff, parents, and legal custodian and the child, when appropriate. In shelter homes the written plan of care shall be developed within 72 hours of admission and reviewed every other week by the group home staff, parents and legal custodian, and the child, when appropriate. This plan of care shall include:

- (1) — The expectations and goals to be reached by the child while in care;
- (2) — The tasks and activities of the group home staff to meet the needs of the child while in care;
- (3) — The tasks and activities of the parents and legal custodian to meet the needs of the child while in care.

Authority G.S. 131D-10.5; 143B-153.

.0507 SOCIAL SERVICES: DISCHARGE POLICIES

(a) A written discharge plan shall be part of the plan of care for each child. The child shall participate in the formulation of the plan, if possible.

(b) A schedule of reviews of the progress made towards the discharge plan shall be set up to include the group home staff, the responsible agency representative, the child and parents and/or relatives, when appropriate.

(c) If the child is unable to participate in the review conference, he shall be kept informed of the progress made toward the discharge plan, and be given sufficient time to prepare for his departure from the home.

Authority G.S. 131D-10.5; 143B-153.

.0508 SOCIAL SERVICES: SERVICES TO CHILD AND FAMILY

(a) The group home shall provide those services to a child and his family which it has stated it will provide.

(b) The group home shall make referrals to, and work cooperatively with other agencies and community resources.

(c) The group home shall evaluate each child's placement needs on a regular basis, and shall include the parents and relatives, as well as the agency with legal responsibility for the child in the review.

- (1) — In shelter homes, an evaluation shall be made biweekly.

- (2) — In all other group homes, an evaluation shall be made at least semi-annually.

Authority G.S. 131D-10.5; 143B-153.

.0509 SOCIAL SERVICES: VISITING POLICIES

(a) Visits of relatives with children and of children with their families shall be planned on an individual basis.

(b) Whether these visits will take place in the group home or elsewhere shall be the decision of the group home.

(c) Visitation policies shall be developed through consultation with, and the approval of the legal custodian of the child.

(d) If the group home uses private families in the community as visiting homes for children for weekends, holidays, or vacation, the following shall be required prior to arranging such visits:

- (1) — Written consent shall be obtained from the legally responsible agency or person of the child prior to such a visit.
- (2) — The interests, needs, and welfare of the child shall be assessed, and the child shall be agreeable to the arrangement.
- (3) — A preliminary visit between the child and family he plans to visit, shall take place prior to an overnight visit.
- (4) — The host family shall be assessed prior to such a visit, to determine that they can provide proper care and supervision for the child, and if they share common interests with the child. The assessment shall include:

- (A) — A visit to the host family's home;
- (B) — A completed application on the host family;
- (C) — A brief social history on the host family;
- (D) — A signed agreement by the host family and the group home or agency, which states the responsibilities of each, and that the host family fully understands these responsibilities;
- (E) — Responses from three references that the host family can provide the proper care and supervision needed by the child.

Authority G.S. 131D-10.5; 143B-153.

.0510 SOCIAL SERVICES: FOLLOW UP SERVICES

(a) Services to support and maintain the child in his return to the community shall be offered.

(b) If the discharging group home is not staffed to render this service, a referral shall be made to a county department of social services or private family and children's services agency.

Authority G.S. 131D-10.5; 143B-153.

.0511 SOCIAL SERVICES: RECORDS AND REPORTS

(a) Child's Case Record.

- (1) — In group homes other than shelter homes a complete and confidential case record shall be maintained which shall contain the following:

- (A) — Documentation of placement authority;

- (B) ~~Social summary;~~
 - (C) ~~Completed application for services;~~
 - (D) ~~Written placement agreement;~~
 - (E) ~~Written plan of care including the semiannual reviews;~~
 - (F) ~~Documentation that verifies the child's birth;~~
 - (G) ~~Preadmission physical examination, and any subsequent medical information such as hospitalizations, significant illnesses, dental examinations, etc.;~~
 - (H) ~~Immunization record (this record must be obtained within 30 days of a child's admission to the home);~~
 - (I) ~~A discharge summary with the date and circumstances of discharge.~~
- (2) ~~In a group home that has a written agreement with a department of social services to provide residential child care exclusively for children for whom the department of social services has placement authority, specific responsibilities for children's records in Subparagraph (a)(1) of this Rule must be identified in the written agreement.~~
- (3) ~~In shelter homes, a confidential case record shall be maintained which shall contain the following:~~
- (A) ~~A written plan of care developed within 72 hours of admission;~~
 - (B) ~~Placement consent, signed by the person or agency with placement authority within 72 hours of a child's admission;~~
 - (C) ~~Report of the medical examination if a child remains in care longer than two weeks;~~
 - (D) ~~Social summary, with information indicating that the group home's program of care is appropriate if the child remains in care longer than two weeks.~~
- (4) ~~In a shelter home that has a written agreement with a department of social services to provide residential child care exclusively for children for whom the department of social services has placement authority specific responsibilities for children's records in Subparagraph (a)(3) of this Rule must be identified in the written agreement.~~
- (b) ~~Shelter Log. In shelter homes, a log shall be maintained that lists at a minimum the following:~~
- (1) ~~child's name, age, sex, and race;~~
 - (2) ~~legally responsible parent, relative, or agency representative's name and telephone number;~~
 - (3) ~~date of admission;~~
 - (4) ~~date of discharge.~~
- (c) ~~Staff Medical Reports. A medical report shall be completed prior to employment and every other year thereafter and maintained on each full and part time child caring staff, any relatives residing in the home, and any person responsible for preparing or serving food in the home.~~
- (d) ~~Annual Report. Each group home shall submit an annual statistical report as required by the Department to the licensing authority within 60 days after the end of the program's fiscal year.~~

Authority G.S. 131D-10.5; 143B-153.

.0512 CHILD CARE AND DEVELOPMENT: PROGRAM

- (a) ~~The child care program shall be designed to provide opportunities for positive learning experiences for the child and shall be geared to the needs of the children served.~~
- (b) ~~If the home uses a systematic approach for altering maladaptive behavior, both residents and staff shall be thoroughly instructed in this system.~~
- (c) ~~Staff administering the program shall have had prior experience or training in the principles of this system.~~
- (d) ~~There shall be an annual evaluation by the board of directors to measure the effectiveness of the program and to offer direction for needed changes.~~

Authority G.S. 131D, Art. 1A; 143B-153.

.0513 EDUCATION

~~Children shall attend the public school to which they are assigned unless an alternative education plan is agreed upon by the child, the home, and the responsible person or agency making placement.~~

Authority G.S. 131D, Art. 1A; 143B-153.

.0514 CHILD CARE AND DEVELOPMENT: HEALTH

- (a) ~~Medical Program. Every group home shall have a planned program of medical care.~~
- (1) ~~Medical Requirements for Admission.~~
 - (A) ~~No child shall be accepted into a group home without having had a physical examination within 90 days prior to admission, which shall include a signed statement by a licensed medical provider specifying the child's current medical condition and medications prescribed and indicating the presence of any communicable disease or medical condition which may pose a significant risk of transmission in the facility. If a child is in the custody of a department of social services, is already scheduled to have and is having a physical completed annually, and is entering a private group home, the schedule of annual physicals shall not be changed. However a copy of the most recent physical shall be sent by the responsible department of social services to the private group home for the child's record there except that in shelter homes, the physical examination and statement shall be obtained within two weeks of a child's admission.~~
 - (B) ~~A child admitted to a group home shall be immunized against diphtheria, tetanus, whooping cough, poliomyelitis, red measles (rubeola), rubella, mumps, and any other disease as required by 15A NCAC 19A .0400, which is incorporated by reference including subsequent amendments and editions, prior to admission, or as soon after as practical. Documentation of these immunizations shall be obtained within 30 days of a child's~~

admission. A copy of 15A NCAC 19A .0400 may be obtained from the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, North Carolina, (919) 733-2678, at a cost of two dollars and fifty cents (\$2.50) at the time of adoption of this Rule. A copy is available for inspection in the Children's Services Section, N.C. Division of Social Services, Albemarle Building, 325 North Salisbury Street, Raleigh, North Carolina 27603.

- (2) — Medical Care. Arrangements shall be made with at least one licensed physician and one dentist for the care of children in the home.
- (3) — Hospital Care. Arrangements shall be made with a hospital for the admission of children from the group home in the event of serious illness or in an emergency.
- (4) — First Aid.
 - (A) — Houseparents shall receive training and be able to administer first aid.
 - (B) — First aid kits shall be available for instant use.
- (5) — Home Medical Care Practices.
 - (A) — Group homes shall not engage in any medical care practices that conflict with the control measures for communicable diseases in 15A NCAC 19A .0200, which is incorporated by reference including subsequent amendments and editions. A copy of 15A NCAC 19A .0200 may be obtained from the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, North Carolina 27611, (919) 733-2678, at a cost of two dollars and fifty cents (\$2.50) at the time of adoption of this Rule. A copy is available for inspection in the Children's Services Section, N.C. Division of Social Services, Albemarle Building, 325 North Salisbury Street, Raleigh, North Carolina 27603.
 - (B) — Houseparents shall be able to recognize the common symptoms of illnesses of children and to note any marked physical or emotional handicaps of children.
 - (C) — A sterile clinical thermometer shall be kept available for use.
 - (D) — Medicine supply cabinets shall be kept locked when not in immediate use.
- (6) — Medical Records. Each child shall have a personal medical record available which shall include:
 - (A) — the statement of the physician who examined him at the time of admission to the home;
 - (B) — a record of his immunizations; this record shall be obtained within 30 days of a child's admission to the home;
 - (C) — consent of parents or guardians for medical care;
 - (D) — a record of the medical care and examinations given while in care, including a record of hospitalizations, significant illnesses or accidents, and treatment given.
- (7) — Dental Records. Included in a child's medical record shall be a dental record, showing dates of examinations and by whom given.

(b) Routine Aspects of Health, Personal Hygiene, and Safety:

- (1) — Staff shall routinely apply general infection-control procedures which shall include but not be limited to Universal Precautions specified by the Centers for Disease Control, U.S. Department of Health and Human Services, Public Health Services, Atlanta, Georgia which is incorporated by reference including subsequent amendments and editions. A copy of that document may be obtained from the National AIDS Information Clearinghouse, P.O. Box 6003, Rockville, Maryland 20850, 1-800-458-5231, at no cost for a single copy at the time of the adoption of this Rule. A copy is available for inspection in the Children's Services Section, N.C. Division of Social Services, Albemarle Building, 325 North Salisbury Street, Raleigh, North Carolina 27603.
 - (2) — Sleep. Each child in a group home shall have enough sleep for his age at regular and reasonable hours and under conditions conducive to rest. While children are asleep, at least one staff member shall be near enough to hear calls.
 - (3) — Hygiene. Children shall be taught and helped to keep themselves clean. They shall receive training in all aspects of personal hygiene. Bathing and toilet facilities shall be in working order and kept clean.
 - (4) — Toilet Articles.
 - (A) — Each child shall have his own clearly identified toothbrush, comb, towel and wash cloth and his own separate place for keeping these personal articles.
 - (B) — Towels, wash cloths, and bed linens shall be changed weekly or more often as required by good hygiene.
 - (5) — Safety. Any child care staff transporting a child shall have such child properly secured in a child passenger restraint system pursuant to the requirements of G.S. 20-137.1.
- (c) Nutrition:
- (1) — Meals served to all children shall provide for their nutritional requirements as advised by the National Research Council (Recommended Daily Dietary Allowances).
 - (2) — Any modified food needs of an individual child shall be provided under the direction of a licensed medical provider.
 - (3) — The menus shall be planned by or in consultation with a registered nutritionist or dietitian.

Authority G.S. 131D-10.5; 143B-153.

.0515 CHILD CARE AND DEVELOPMENT: RECREATION

- (a) There shall be a planned program of recreation in line with the ages of the children and the purpose of the group home.
- (b) This program shall incorporate the resources of the community and involvement in community activities.

Authority G.S. 131D, Art. 1A; 143B-153.

.0516 DISCIPLINE

- (a) ~~In planning discipline, the child's age, intelligence, emotional make-up and his past experience shall be considered.~~
- (b) ~~Discipline shall be consistent.~~
- (c) ~~Appropriate work tasks or denials of privileges shall be acceptable methods of discipline.~~
- (d) ~~Denial of meals shall not be used as punishment.~~
- (e) ~~Corporal punishment shall not be used.~~
- (f) ~~Isolation or locked custody shall not be used as punishment.~~
- (g) ~~No intimidation or verbal threats shall be used.~~

Authority G.S. 131D, Art. 1A; 143B-153.

.0517 WORK

- (a) ~~The work program for children in the group home shall have as its purpose the development of good work habits and a sense of responsibility. The provisions of the N.C. Child Labor Law concerning age, hours of labor and hazardous occupations shall be complied with the assignment of work to children.~~
- (b) ~~Children shall not be required to be solely responsible for any major phase of operation or maintenance of the home. This would include cooking, laundering, housekeeping, farming, and repair work.~~
- (c) ~~No home shall require a child to work for the purpose of paying the home for his cost of care except where an older child moving toward self-support enters into a contract with the home in which he is paid for his work and assumes a gradual degree of responsibility for his own needs.~~

Authority G.S. 131D, Art. 1A; 143B-153.

.0518 EXPLOITATION

- (a) ~~No child shall be used in any way for the purpose of soliciting funds.~~
- (b) ~~Neither shall he be identified in connection with publicity for the home in any way which would cause him or his family embarrassment.~~
- (c) ~~Before pictures or any other means of identifying children may be used in publicity or public relations efforts for the home, a statement of permission shall be obtained from the parents or custodian of the child. Such permission shall be obtained each and every time public relations efforts are undertaken.~~

Authority G.S. 131D, Art. 1A; 143B-153.

SECTION .0600 - MINIMUM STANDARDS FOR PRIVATE AND PUBLIC AGENCY GROUP HOMES

.0601 PURPOSE

- The agency shall clearly define in writing the purpose the group home is to serve, including the following:
- (1) ~~the geographic area to be served;~~
 - (2) ~~the children to be served;~~
 - (3) ~~the range of services to be provided.~~

Authority G.S. 131D, Art. 1A; 143B-153.

.0602 FINANCES

~~The agency shall have a sound plan of financing the group home which assures sufficient funds to enable it to carry out its defined purposes and provide proper care to children.~~

Authority G.S. 131D, Art. 1A; 143B-153.

.0603 STAFF

- (a) ~~There shall be a responsible staff person designated as supervisor of the group home staff and operation.~~
- (b) ~~Child Care Staff, Counselors, Teaching Parents, or Houseparents:~~
 - (1) ~~Qualifications~~
 - (A) ~~shall be at least 18 years of age;~~
 - (B) ~~shall be mentally and physically fit as evidenced by the following:~~
 - (i) ~~a physical examination completed by a licensed medical provider, prior to assuming the position and every other year thereafter; the costs of physical examinations which are required for continuing employment are to be paid by the group home;~~
 - (ii) ~~a health questionnaire completed by the individual staff on each year when a physical examination is not required;~~
 - (iii) ~~a TB skin test prior to assuming the position, and annually thereafter except when the licensed medical provider advises against it;~~
 - (C) ~~shall have education, training and experience sufficient to equip them for the duties assigned;~~
 - (D) ~~shall not be persons who have been found to have neglected or abused a child by any agency duly authorized by law to investigate allegations of abuse or neglect.~~
 - (2) ~~Duties~~
 - (A) ~~shall have responsibility for the day-to-day activities of the home and care of the children;~~
 - (B) ~~shall assume those duties assigned them in accordance with any specialized program of the home.~~

Authority G.S. 131D-10.5; 143B-153.

.0604 PERSONNEL POLICIES

- (a) ~~Leave. The group home shall have a written policy which provides child care staff time off duty each month, including at least one 48 hour period, depending on the staffing pattern utilized and the type of care provided.~~
- (b) ~~Job Descriptions. Duties, responsibilities, and qualifications for each staff position shall be defined in writing.~~

Authority G.S. 131D-10.5; 143B-153.

.0605 SOCIAL SERVICES

~~Social services shall be governed by Rules .0506 through .0511 of this Subchapter.~~

Authority G.S. 131D, Art. 1A; 143B-153.

.0606 CHILD CARE AND DEVELOPMENT

Child care and development shall be governed by Rules .0512 through .0518 of this Subchapter.

Authority G.S. 131D, Art. 1A; 143B-153.

SECTION .0700 - MINIMUM STANDARDS FOR THE PHYSICAL FACILITY FOR GROUP HOMES

.0701 CONSTRUCTION: GENERAL REQUIREMENTS

Any individual or organization proposing to build a new facility or convert an existing building for a group home for children must comply with North Carolina State Building Code which is adopted by reference pursuant to G.S. 150B-14(c).

Authority G.S. 131D-10.5; 143B-153.

.0702 CONSTRUCTION: FUNCTIONAL REQUIREMENTS

(a) Living Room.

- (1) — The living room shall be accessible from an outside entrance without going through sleeping areas or food service or preparation areas.
- (2) — The living room shall have an area of 200 square feet or, in existing buildings, shall be large enough to meet the needs of the family, residents and guests.

(b) Dining Area.

- (1) — The dining area shall be near the kitchen.
- (2) — The dining area shall be a minimum of 120 square feet in size or, in existing buildings shall be large enough to seat all family, residents and guests comfortably, with adequate space for serving food.

(c) Kitchen. The kitchen shall be large enough to provide for preparation and preservation of food and cleaning of dishes.

(d) Bedrooms.

- (1) — Rooms used for sleeping shall be clearly identified as bedrooms and shall not serve dual functions.
- (2) — No child shall share a bedroom with an adult.
- (3) — Each child shall have his own bed except that siblings of the same sex may share a double bed.
- (4) — Children older than six years old of different sexes shall not share a bedroom.
- (5) — Each bed shall be not less than 30 inches wide nor less in length than the height of the child.
- (6) — Each bed shall be provided with substantial springs, a comfortable mattress and suitable bed covering.
- (7) — There shall be three feet of floor space between beds.
- (8) — Bunk beds are not recommended. However, if they are to be used, they shall be at least five feet apart.
- (9) — No day bed, convertible sofa or other bedding of a temporary nature shall be used.
- (10) — Bedrooms shall be equipped with a minimum of 50 cubic feet per child for storage of clothing and other personal belongings except that shelter homes with a maximum length of stay of 15 days shall be

equipped with a minimum of five cubic feet per child for storage in bedrooms.

- (11) — Bedrooms for multiple occupancy shall provide a minimum of 80 square feet for each child, excluding closet and wardrobe space. Bedrooms for single occupancy shall provide a minimum of 100 square feet, excluding closet and wardrobe space except that shelter homes with a maximum length of stay of 15 days shall provide a minimum of 40 square feet per child in multi-occupancy bedrooms. Rooms with less than 80 square feet of floor area shall not be used as bedrooms.

(e) Bathrooms.

- (1) — Bathrooms shall be located as conveniently as possible to the bedrooms.
- (2) — The entrance to the bathroom cannot be through a kitchen or other bathroom.
- (3) — There shall be a minimum of two water closets, two tubs or one tub and one shower available to residents.

Authority G.S. 131D, Art. 1A; 143B-153.

.0703 CONSTRUCTION: FIRE SAFETY REGULATIONS

(a) General Requirements.

- (1) — An evacuation plan shall be developed, and fire drills shall be held at regular intervals to assure that both children and staff are familiar with procedures to be followed in the event of fire.
- (2) — Staff and children shall be trained in properly reporting a fire, in extinguishing a small fire, and in escaping from a fire.
- (3) — Fire exits, that is doors, hallways, and stairs, shall be well lighted. They shall be kept clear for passage and ready for instant use.
- (4) — All homes shall have a telephone.
- (5) — When alternate systems of heating are being considered, the Division of Facility Services shall be notified in order to approve the system prior to installation.

(b) Annual Inspection. In order to be eligible for a license, a group home must receive a satisfactory rating on inspection by the county building inspector or local fire department before the home opens and annually thereafter.

Authority G.S. 131D-10.5; 143B-153.

.0704 CONSTRUCTION: HEALTH REGULATIONS

(a) Group homes must meet the minimum standards as set by the North Carolina Health Services Commission.

(b) Each group home shall have and use a dishwasher which is maintained in good working order.

(c) In order to be eligible for a license, a group home must receive an approved rating on inspection by the county sanitarian before the home opens and annually thereafter.

Authority G.S. 131D-10.5; 143B-153.

SUBCHAPTER 41G - MINIMUM STANDARDS
FOR CHILD CARING INSTITUTIONS

SECTION .0500 - PRIVATE INSTITUTION
ORGANIZATION AND ADMINISTRATION

.0501 DEFINITIONS

(a) ~~Child caring institution: a residential care facility utilizing permanent buildings located on one site for 10 or more children who are dependent, neglected, abandoned, destitute, orphaned, delinquent, or otherwise in need of care away from their own home and not held in detention. The purpose of a child-caring institution is to provide foster care and related services for children who are unable to live in their own homes. Exception can be made when no more than two group homes located on one site and licensed as meeting group homes for children standards are operated by a county department of social services or by a private program licensed to provide child care or child placement services.~~

(b) ~~Director: the person who is in charge of the facility, developing and supervising its program of care and services.~~

(c) ~~Children: includes persons residing in and under the care of the institution who are 18 to 21 years of age. Children of staff members are not included.~~

Authority G.S. 131D, Art. 1A; 143B-153.

.0502 PURPOSE

~~The purpose of the institution shall be clearly defined in a charter of incorporation which shall be filed in the Office of the Secretary of State, Raleigh, North Carolina. Such definitions shall include the geographical area to be served, the children who will be accepted for care and the services to be provided for these children and their families. Changes in purposes of program shall be provided for in amendments to the charter filed in the Office of the Secretary of State.~~

Authority G.S. 131D, Art. 1A; 143B-153.

.0504 LOCATION

~~The institution shall be located available to schools, churches, hospitals, clinics, mental health services and recreational facilities. The location shall provide safe and ample playgrounds for children in an area conducive to their health and well-being.~~

Authority G.S. 131D, Art. 1A; 143B-153.

.0505 GOVERNING BODY

~~The institution shall have a governing board responsible for its proper function in accordance with its purposes as set forth in a charter of incorporation and in written bylaws adopted by the board:~~

(1) ~~Composition of Board~~

(a) ~~The board shall be composed of men and women of various occupations and experience.~~

(b) ~~The board shall have a minimum of five members.~~

(2) ~~Meetings of the Board of Directors. A meeting of the governing board shall be held at least once a year at~~

~~the institution. Either the full board or its executive committee (or equivalent) shall meet at least quarterly. Permanent records shall be maintained of all meetings of the governing board and the executive committee.~~

(3) ~~Functions of the Board~~

(a) ~~The governing board shall be organized and shall function according to written bylaws adopted for the regulation or management of the affairs of the corporation.~~

(b) ~~The board shall be responsible for determining the purposes and functions of the institution, for adopting policies governing the administration, social services, child care and development, and physical plant of the institution, and for assuring that the institution functions according to policies established by the board. The board shall periodically review the institution's program to determine if changes are needed.~~

(c) ~~The board shall employ a director of the institution who meets the qualifications in Rule .0508 of this Subchapter and shall have responsibility for its operation. When the institution is one of several facilities governed by the same board, the Director may be hired by the executive of the agency who shall be employed by the board.~~

(d) ~~If for any reason the Director is unable to perform assigned duties, he shall be replaced and an acting director appointed.~~

(e) ~~No member of the governing board nor subcommittees thereof shall directly administer any part of the operation of the institution. No employee of the institution shall be a member of the governing board.~~

(f) ~~The board shall be responsible for supervising any investments of the institution, approving the annual operating budget and any major items not included in the budget, authorizing all capital expenditures, and planning for securing adequate financial support for the institution.~~

Authority G.S. 131D-10.5; 143B-153.

.0506 FINANCES

(a) ~~The institution shall have funds to meet the costs of carrying out its defined purposes and providing proper care and services for the type and number of children accepted.~~

(b) ~~A budget shall be approved by the governing board prior to the beginning of each fiscal year showing sources and amounts of income and providing for:~~

(1) ~~salaries for required number of staff;~~

(2) ~~meeting the direct costs of care for the number and type of children accepted;~~

(3) ~~maintenance of the physical plant;~~

(4) ~~meeting the cost of any proposed expansion or replacement.~~

(c) ~~Financial accounts shall be maintained showing all receipts, disbursements, assets and liabilities of the institution. The accounting records shall be maintained on a current basis~~

and conform to generally accepted accounting principles. Financial reports shall be made to the board at least quarterly.

(d) All financial records of the institution which receives governmental funds shall be audited annually and the audit report made a part of the institution's permanent records. The audit shall be made by an independent public accountant or public accounting firm. A copy of the audit shall be submitted each year to the Department of Human Resources.

(e) The provisions of the North Carolina law with regard to the solicitation of funds as found in the General Statutes of North Carolina, Chapter 131C, Charitable Solicitation Licensure Act, shall be met by those institutions carrying out campaigns within the purview of this law.

Authority G.S. 131D-10.5; 143B-153.

.0507 STAFF: GENERAL

The institution shall provide the staff and services necessary to insure the proper care and safety of children in care. Staff members who provide direct care for children in the institution or prepare their food shall have a physical examination completed by a physician, physician's assistant, or nurse practitioner, hereafter referred to as "licensed medical provider", within at least six months before beginning work and biennially thereafter. A TB skin test is required prior to assuming the position and annually thereafter, except when the licensed medical provider advises against it. Examinations shall include tests necessary to determine that the staff member is able to carry out assigned duties and does not have any communicable disease or condition which poses significant risk of transmission in the facility.

Authority G.S. 131D-10.5; 143B-153.

.0508 THE DIRECTOR

(a) There shall be a full-time director to supervise the program of care and services of an institution licensed for 20 or more children, and a director at least part-time for an institution licensed for less than 20 children.

(b) The Director shall have education, training, and experience that qualifies him for planning, administering, and supervising a residential child care program.

(c) A director appointed after the effective date of these standards shall have a degree from an accredited four year college or university and shall have at least two years of work experience, one of which was in a supervisory capacity, in the field of child welfare services, health services, education, psychology, social services, religious education, or other allied profession.

(d) The Director shall be in charge of the operation of the institution, making at least quarterly reports for the board on all phases of its operation. He shall have the following responsibilities:

- (1) He shall have responsibility for interpreting established standards of child care and for initiating and carrying out a sound program in accordance with these standards.
- (2) He shall prepare the institution's budget with the

assistance of those whose responsibilities or abilities qualify them to help. The budget shall be presented to the board for approval.

- (3) He shall be responsible for all customary purchases, with delegation of actual work to designated staff. He shall secure approval for major items not authorized in the budget.
- (4) He shall be responsible for employing and discharging all members of his staff with delegation of actual work to designated staff.
- (5) He shall hold staff meetings at regular intervals and discuss plans and policies with his staff.
- (6) He shall provide and promote a program of education for the continued training and development of the staff. He shall be responsible for the effectiveness and efficiency of his staff.
- (7) He shall establish and maintain cooperative working relationships with other social agencies in the community and have responsibility for the interpretation of the institution's program.
- (8) He shall have responsibility for administration, social services, the child care program and the physical plant of the institution with delegation of actual work in these areas as is appropriate.
- (9) He shall delegate authority to a qualified staff member during his absence from the institution.

Authority G.S. 131D-10.5; 143B-153.

.0509 SUPERVISORY STAFF/PROFESSIONAL SERVICES

(a) The Departmental heads, unit directors, supervisors, and other management staff shall be qualified by education, training, and experience for the particular job responsibilities to which they are assigned.

(b) The institution shall have available those professional services which assure appropriate care for children. Such professional services shall include those of doctors and dentists, nurses, social workers, psychologists, psychiatrists, dietitians, health educators and teachers.

Authority G.S. 131D-10.5; 143B-153.

.0510 CLERICAL STAFF

The institution shall have clerical services to keep correspondence, records, bookkeeping and files current and in good order. There shall be at least one clerical person on the staff.

Authority G.S. 131D, Art. 1A; 143B-153.

.0511 CHILD CARE STAFF

(a) There shall be at least one child care worker assigned for direct care and supervision to each living unit or group of children at all times.

(b) The ratio of child care staff who are employed by the institution to provide care and supervision for children shall be one for every ten children six years of age and older and one for

every eight children younger than six years of age included in the living unit. If a living unit has all children younger than six years of age there shall be one child care worker for five children. Staff included in the ratio are child care workers and supervisors of child care. Relief staff are not included in the ratio.

(c) Each member of the child care staff shall be selected on the basis of his knowledge, experience, and competence required in caring for children.

(d) Child care staff shall be no younger than 18 years of age.

(e) Each child care worker shall be provided qualified, competent supervision in the areas of home management, child rearing, family life education, sound health practices and health maintenance, and food preparation and nutrition when meals are prepared in the living units by the child care workers.

Authority G.S. 131D-10.5; 143B-153.

.0512 MAINTENANCE STAFF

There shall be a sufficient number of maintenance staff to assure that the operation and maintenance of the institution shall not be dependent upon the work of the children in care.

Authority G.S. 131D, Art. 1A; 143B-153.

.0513 PERSONNEL POLICIES

(a) The institution shall have written personnel policies and shall adhere to the policies. These policies shall include compliance with all applicable state and federal laws:

(1) Job Descriptions. There shall be a current written job description for each position which includes qualifications for the position, the duties of the position, and specifies to whom the employee is responsible.

(2) Leave. The institution shall have a written policy which provides resident staff with direct responsibility for children a minimum of six 24 hour days off duty each month. They shall have some free time off duty each day.

(3) Dismissal. There shall be a policy concerning the discharge of employees which includes a grievance procedure.

(b) Living quarters shall be provided for all staff whose job responsibilities require them to live within the institution.

Authority G.S. 131D-10.5; 143B-153.

SECTION .0600 - PRIVATE INSTITUTION SOCIAL SERVICES

.0601 STAFF

The institution shall have one or more qualified persons on its staff to provide admission, residential, and discharge services to children and their families. To be qualified, staff employed to provide social services after the effective date of these standards shall have a degree in a human service field from an accredited four year college or university. They shall be familiar with community resources for children and their families in addition

to the institution's services.

Authority G.S. 131D-10.5; 143B-153.

.0602 ADMISSION SERVICES

(a) Admission policies shall be clearly defined in writing and available to persons or agencies making inquiries. Admission policies shall be carefully reviewed from time to time and changed as needs and conditions in the community change.

(b) Admission services shall be in accordance with the stated policies of the institution. Admissions shall be limited to those children who need care apart from their families and for whom the institution is qualified by staff, program, facilities, and services to give appropriate care.

(c) Staff responsibility for decisions on admissions shall be clearly established.

(d) Decisions on admissions shall be based upon a study of the total situation of the child and his particular needs. The study shall be made prior to admission and shall include all information which will enable a careful analysis of the application to determine if the institution's program of care is appropriate for the child.

(e) When parents or other relatives with legal responsibility for a child apply for the child's admission the institution shall ascertain what community resources are available to keep the child in his own home, such as financial assistance, homemaker services, day care services, and other supportive services. County departments of social services where requested can assist families in evaluating community resources available to them.

(f) Children shall be accepted by written application signed by the person or representative of the agency having legal authority to place the children. Written agreements shall be made setting forth the responsibilities of the institution and of the person or agency having legal authority for caring and planning for the child. Provision shall be made for continuing relationships between the institution, the legally responsible person or agency, and the child during the period of placement.

(g) The provisions of the North Carolina interstate placement laws (G.S. 110-50 to 110-57 and 110-57.1 et. seq.) shall be met when out of state children are being considered for admission or discharge. North Carolina interstate placement laws require the approval of the North Carolina Department of Human Resources prior to placement of a child by an out of state agency. Correspondence relative to admission, progress, and discharge of children in custody of out of state agencies shall be routed through the North Carolina Department of Human Resources, division of social services, as outlined in its operational manual.

(h) No child shall be accepted in an institution without a medical examination and a statement signed by a licensed medical provider specifying the child's current medical condition and medications prescribed and indicating the presence of any communicable disease or medical condition which may pose a significant risk of transmission in the facility.

(i) In the event of emergency admissions the required admission procedures shall be completed within two weeks following admission. If more than five percent of an institution's population are admitted on an emergency basis, in any 12 month period, the institution shall provide an identifiable program for

the provision of emergency care in a living unit separate from other children in residence.

Authority: G.S. 131D-10.5; 143B-153.

.0603 RESIDENTIAL SERVICES

(a) Each child in care shall have a staff person responsible for assisting him in making the best use of his stay in the institution. This shall include opportunities to talk privately about his experiences living in the institution and to express grievance. Professional services shall be made available for children who need help in resolving personal or family problems.

(b) Arrangements shall be made for staff to talk with parents, relatives, or representatives of agencies having legal responsibility about an individual child's care and adjustment in the institution.

(c) Visiting policies for the institution shall be flexible to allow parents, relatives, and friends to visit with children at least twice a month.

(d) No child shall be allowed to visit with anyone for weekends, holidays, and vacations without the consent of the person or agency having legal responsibility for him.

(e) If the institution uses private families in the community as visiting homes for children the interests, needs, and welfare of each child shall be considered in arranging these visits. The institutions shall assess each private family to be used as a visiting home to determine if the family can provide proper care and supervision for children.

(f) A review shall be made at least once a year of each child in care to reassess his needs. The review is to identify what type of care and services are needed by the child, if he needs continued care in the institution, or if his family circumstances have changed and he can be returned to his home.

(g) When a child whose parents placed him in the institution no longer has his parents available to him due to their death, or incapacity, or abandonment of the child, the institution shall refer the matter to the county department of social services or court having jurisdiction or to an attorney with the request for a legal guardian or custodian to be appointed for the child.

(h) When adoption is in the best interest of a child whose parents are deceased or whose parents or other relatives cannot provide a home for him, referral for adoption services shall be discussed with the person or agency representative having legal responsibility for the child.

(i) The institution shall not place or attempt to place children from the institution in foster family or adoptive homes unless the institution is an agency licensed to provide foster family or adoption services.

Authority: G.S. 131D-10.5; 143B-153.

.0604 DISCHARGE SERVICES

(a) Staff responsibility for decisions on discharging children shall be clearly established. Children under 18 years of age shall be discharged to the person or agency having legal custody of the children. Insofar as possible the release of each child shall be planned with him and with the person or representative of the agency having legal responsibility for him allowing time for

arrangements to be made for the child's care. In all cases the decision to discharge a child and the child's decision to leave the institution shall be made known to the person or agency having legal responsibility for the child and opportunity provided for discussion of this action.

(b) Children shall not be released and admitted to the care of another institution or treatment facility without the knowledge and consent of the person or agency having legal authority for placing the child.

Authority: G.S. 131D-10.5; 143B-153.

.0605 RECORDS

(a) The institution shall maintain case records for the purpose of:

- (1) protecting the legal rights of the child, his parents and legal custodian, and the institution;
- (2) documenting the kinds of services rendered to a child and his family; and
- (3) providing a source of information about individual children, as well as information for the institution in planning its program of care and services.

(b) Case records shall include the following information for each child:

- (1) completed application form signed by the person or agency having legal authority to place the child;
- (2) a pre-admission study of the child and his family situation, including an explanation of custody and legal responsibility for the child as indicated by parental statements, court orders, or agency agreements;
- (3) a verification of birthdate;
- (4) medical consent signed by the person or representative of the agency having legal custody of the child;
- (5) agreements indicating the responsibilities of the person or agency having legal responsibility for the child and the institution in planning and caring for the child;
- (6) agreements and consents for visits outside the institution;
- (7) reports of the pre-admission medical examinations, including immunizations, and reports on all medical, dental or psychological services provided while the child is in care;
- (8) a written summary prepared at least annually of the review of the child's needs, his progress or lack of progress in care and changes in his family circumstances;
- (9) a discharge summary indicating date and circumstances of discharge and plan for care in the community.

(c) The institution shall maintain a record of each request for admission received during a current year, the action taken on the request, and the disposition made.

Authority: G.S. 131D-10.5; 143B-153.

.0606 REPORTS

The institution shall submit an annual report to the Department of Human Resources on Form DSS-1843, annual report to the Department of Human Resources, division of social services.

Authority G.S. 131D, Art. 1A; 143B-153.

SECTION .0700 - PRIVATE INSTITUTION CHILD CARE AND DEVELOPMENT

.0701 SOCIAL ASPECTS OF CARE

(a) The Child as an Individual

- (1) Each child shall be considered an individual personality. He shall be given appropriate opportunities for growth as a unique individual, for learning on his own as well as in a group, for doing things by himself, for himself, as well as with and for others.
- (2) Efforts shall be made to give each child sufficient individual attention and affection to compensate in some degree for the regimentation of group living.
- (3) Each child shall have the opportunity to form constructive relationships with staff of both sexes.
- (4) Each child shall be allowed to experience ownership and have his own place to keep his possessions.
- (5) Each child shall have personal clothing and have his own place to keep his clothing. He shall be allowed to take part in selecting his clothing according to his age and ability to do so. When he leaves the institution he shall be allowed to take his clothing with him.
- (6) Each child shall be given the opportunity of learning the value and use of money through earning, spending, giving and saving. Each child shall have an allowance appropriate to his age to spend as he wishes.

(b) The Child and his Family

- (1) The institution shall provide and encourage opportunities for each child to maintain contact and visit with parents, siblings and relatives both at the institution and away from the institution insofar as circumstances permit, and these contacts and visits are approved by the person or agency having legal responsibility for the child when other than the natural parents.
- (2) No humiliating remarks about a child's parents, relatives, or guardian shall be made to the child or to other children in the institution.

(c) The Child and the Institution. Each child shall be assigned to the care of a child care worker who shall be responsible for assuring his daily care. Each child shall be given the opportunity to discuss any personal concerns in confidence with his child care worker.

(d) The Child and the Community

- (1) The institution shall make whatever efforts are possible toward helping the children have normal contacts in the community in which the institution is located such as participation in school functions,

recreational facilities, character-building organizations, church youth groups, and part-time paid or volunteer jobs.

- (2) Children shall be encouraged to form friendships with children outside the institution, to visit their friends in the community and have their friends visit them in the institution. Children shall have access to telephones to provide them with opportunity to maintain contact with friends and family members.

(e) Discipline

- (1) The institution shall have clearly defined, written, reasonable disciplinary policies which are fair to children and staff. These policies shall be directed at helping each child develop his own self-control and assume responsibility for his own acts. These policies shall include measures to protect children from abuse.
- (2) Administration of discipline shall be an adult responsibility. No child or group of children shall be allowed to punish another child.
- (3) Requests made of children and standards set for their behavior shall be reasonable and within their ability to achieve.
- (4) Children shall not be subjected to cruel, severe or excessive punishment including, but not limited to, physical abuse, verbal abuse, locked confinement, deprivation of food, of mail, and of family visits and contacts.

(f) Work Assignments

- (1) Work assignments for children in the institution shall be planned for a child to have meaningful work experiences and to develop good work habits and a sense of responsibility.
- (2) Work assignments shall be made according to the ages and abilities of children. Children shall be provided adult supervision on their work assignments.
- (3) Work assignments shall not interfere with school, recreation, study periods, adequate sleep, community contacts and visits with family.
- (4) Children shall not be substitutes for employed staff. They shall not be required to carry out responsibilities of staff.
- (5) An institution shall not require a child to work for the purpose of paying the institution for his care.

(g) Exploitation

- (1) No child shall be used in any way to solicit funds. Neither shall he be identified in connection with publicity for the institution in any way which will bring him or his family embarrassment. Written permission shall be obtained from the person or agency having legal responsibility for each child before pictures or any other means of identifying children are used in publicity or public relations efforts of the institution.
- (2) No child shall be forced to acknowledge in public his dependency on the institution or his gratitude to it.

Authority G.S. 131D-10.5; 143B-153.

.0702 RECREATION

(a) ~~The institution shall provide individual and group recreational opportunities appropriate to the age, interest, and needs of each child. Suitable space and competent adult direction shall be provided for both indoor and outdoor recreational activities.~~

(b) ~~The recreational program shall provide opportunities for boys and girls to play together as well as separately. For older children a dating policy shall be established which will allow them opportunities for developing social relationships with others of their own age group in the institution and in the community.~~

Authority G.S. 131D-10.5; 143B-153.

.0703 EDUCATION

(a) ~~The institution shall see that each child of school age is provided an education in a public school or nonpublic school which is operated in accordance with the public school laws or with the nonpublic school laws of North Carolina.~~

(b) ~~If a school is maintained and operated by the institution, or an educational program is operated by the institution which children attend in lieu of attending schools off campus, the institution shall comply with N.C. General Statutes governing nonpublic schools.~~

(c) ~~Facilities shall be provided by the institution for home study and for reference books. Provisions shall be made for remedial assistance as indicated by the needs of the children.~~

Authority G.S. 131D-10.5; 143B-153.

.0704 RELIGIOUS TRAINING

(a) ~~Each child shall have opportunities for religious education and to attend religious services.~~

(b) ~~Each institution shall have clearly defined policies regarding religious training and practices for the information of those considering placement of children in the institution.~~

Authority G.S. 131D-10.5; 143B-153.

.0705 MEDICAL PROGRAM

~~The institution shall have a planned program of medical care which shall be implemented and include each child in care:~~

(1) ~~Admission Requirement. Each child shall have had a medical examination prior to admission. The examination shall be reported in writing and specify any medical condition the child might have requiring observation, monitoring or treatment and any medications prescribed.~~

(2) ~~Medical Care~~

(a) ~~Arrangements shall be made with one or more licensed medical physicians or medical clinics for the medical care of the children.~~

(b) ~~Each child shall have a physical examination at least once a year and more often as needed. A child shall not be allowed to participate in activities injurious to his health. Any illness, disease or medical condition requiring~~

~~observation, monitoring or treatment of a child shall be identified and treated promptly through proper medical care. Children shall have psychiatric or psychological examination or both when indicated and treatment when prescribed.~~

(c) ~~The child care staff shall be instructed as to what medical care may be given by them without specific orders from a licensed medical provider. They shall be instructed as to how and when to obtain further care and how to handle emergencies.~~

(3) ~~Hospital Care. Arrangements shall be made with a hospital for the admission of children from the institution in the event of serious illness or emergency.~~

(4) ~~First Aid. At least one member of the child care staff on duty at any given time shall have taken a course in first aid given by a qualified instructor and be able to administer first aid. First aid kits shall be available.~~

(5) ~~Home Health Care~~

(a) ~~The institution shall not engage in any home health care practices that conflict with the control measures for communicable diseases in 15A NCAC 19A .0200, which is incorporated by reference including subsequent amendments and editions. A copy of 15A NCAC 19A .0200 may be obtained from the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, North Carolina 27611. (919) 733-2678, at a cost of two dollars and fifty cents (\$2.50) at the time of adoption of this Rule. A copy is available for inspection in the Children's Services Section, N.C. Division of Social Services, Albemarle Building, 325 North Salisbury Street, Raleigh, North Carolina 27603.~~

(b) ~~Each member of the child care staff shall be able to recognize common symptoms of illnesses in children. The child care staff shall be alert to any infectious condition of the children and shall take proper precautions to prevent the spread of such condition.~~

(c) ~~The child care staff shall be able to provide home nursing care. A sterile clinical thermometer shall be kept available for use. When appropriate, arrangements shall be made for isolation and attendant care of a child with a communicable disease.~~

(d) ~~Medicines shall be stored in a separate cabinet, closet or box not accessible to children.~~

(6) ~~Medical Records. Each child shall have a personal medical record which shall include the report of the physician who examined him prior to admission to the institution, a record of his immunizations, consent for medical care signed by the person or representative of the agency having legal custody of the child, a record of each physical examination and of medical care~~

given while the child is in care. The latter shall include a record of hospitalizations, allergies, significant illnesses or accidents and treatment given.

Authority G.S. 131D-10.5; 143B-153.

.0706 DENTAL PROGRAM

The institution shall have a planned program of dental care and dental health which shall be followed for each child in care:

- (1) Routine Care and Treatment
 - (a) Arrangements shall be made with one or more licensed dentists for the dental care of the children.
 - (b) Each child shall have a dental examination at least once a year and treatment as indicated.
- (2) Dental Records. Included in a child's medical record shall be a dental record indicating dates of examination and treatment.

Authority G.S. 131D, Art. 1A; 143B-153.

.0707 ROUTINE HEALTH CARE AND PERSONAL HYGIENE

(a) Staff shall routinely apply general infection control procedures which shall include but not be limited to Universal Precautions specified by the Centers for Disease Control, U.S. Department of Health and Human Services, Public Health Services, Atlanta, Georgia which is incorporated by reference including subsequent amendments and editions. A copy of that document may be obtained from the National AIDS Information Clearinghouse, P.O. Box 6003, Rockville, Maryland 20850, 1-800-458-5231, at no cost for a single copy at the time of the adoption of this Rule. A copy is available for inspection in the Children's Services Section, N.C. Division of Social Services, Albemarle Building, 325 North Salisbury Street, Raleigh, North Carolina 27603.

(b) Children shall be taught and helped to develop good health care. Each child shall have enough sleep for his age at regular and reasonable hours and under conditions conducive to rest.

(c) Children shall receive training in all aspects of personal hygiene. They shall be taught and helped to keep themselves.

(d) Each child shall have his own clearly identified toothbrush, comb, towel and wash cloth and his own separate place for keeping these personal articles. Towels, face cloths, and bed linens shall be changed as frequently as necessary to be clean.

Authority G.S. 131D, Art. 1A; 143B-153.

.0708 NUTRITION

(a) Nutritious foods shall be provided in the variety and amounts necessary to meet the National Research Council's recommended daily dietary allowances. Special diets shall be planned to meet any modified food needs of individual children.

(b) Nourishing snacks shall be provided and may be part of the daily food needs, but they shall not replace regular meals. Snacks are to be recorded on the regular menu. Recommended

snacks are milk, fresh fruits and vegetables, cheese, peanut butter, nuts, popcorn, crackers, and occasionally, cookies.

(c) Menus shall be planned and written by or in consultation with a registered nutritionist or dietitian. When food services are not directed by a nutritionist or dietitian, who is defined as a graduate of a school of home economics or dietetics, periodic consultation with a registered nutritionist or dietitian shall be implemented. Records of consultations and recommendations shall be maintained by the facility.

(d) Menus shall be planned and written at least one week in advance to insure the meeting of nutritional needs and to give the basis for purchasing to meet these needs.

(e) Children and staff members who eat with them shall be served the same food except for tea and coffee, unless differences in age or special dietary needs are factors.

Authority G.S. 131D-10.5; 143B-153.

SECTION .0800 - PRIVATE INSTITUTION BUILDINGS: EQUIPMENT AND SAFETY

.0801 CONSTRUCTION

(a) Construction plans for new, reconstructed or renovated buildings shall be compatible with the child care function of the institution and its program needs. A child caring institution shall not offer in the same building two different types of occupancy or programs of care.

(b) All local and state building codes and zoning regulations shall be complied with in the construction of a new child caring institution, in the conversion of an existing building for child caring institution purposes, and in the remodeling of an existing child caring institution.

Authority G.S. 131D-10.5; 143B-153.

.0802 REQUIREMENTS FOR APPROVAL

(a) Preliminary and final construction plans for all new buildings and of all conversions shall be submitted to and approved by the Department of Human Resources, division of facility services, construction section prior to beginning construction. Four sets of construction plans and specifications shall be forwarded to the Department of Human Resources, division of facility services, construction section for distribution to and review by the Division of facility services, the Division of Social Services, the Division of health services, and the Department of Insurance, engineering division.

(b) If a question arises as to whether an existing building used for child caring institution purposes meets the requirements of the North Carolina State Building Code, an interpretation can be obtained by submitting a floor plan of the building together with details of construction to the Department of Human Resources, division of facility services, construction section or by requesting an on site visit by a member of the staff.

Authority G.S. 131D, Art. 1A; 143B-153.

.0803 GENERAL REQUIREMENTS

All buildings to be used for child caring institution purposes

shall meet the requirements of the North Carolina State Building Code, which is adopted by reference pursuant to G.S. 150B-14(c), for the type of occupancy for which the building is to be used:

- (1) ~~Institutional Occupancy. Residential care facilities for 10 or more children who are dependent, neglected, abandoned, destitute, orphaned, delinquent, and not involuntarily detained shall meet requirements for Institutional Occupancy unrestrained in Vol. I Section 409 and Vol. I-C (handicapped requirements) of the North Carolina State Building Code.~~
- (2) ~~Residential Occupancy~~
 - (a) ~~All residential care facilities keeping as many as 6 and less than 10 children who are dependent, neglected, abandoned, destitute, orphaned, delinquent or children who are separated temporarily from their parents shall meet group A "special occupancy requirements" in Section 520 of Chapter V of the North Carolina State Building Code.~~
 - (b) ~~All residential care facilities keeping no more than five children shall meet the North Carolina Uniform Residential Building Code. Mobile homes are not allowed for child-caring institution residences.~~

Authority G.S. 131D-10.5; 143B-153.

.0804 FIRE SAFETY

- (a) ~~Children and staff shall be instructed on fire prevention.~~
- (b) ~~Care shall be exercised by the staff in allowing children to use matches, or to handle inflammable or combustible materials.~~
- (c) ~~Fire evacuation plans shall be developed and posted in each building.~~
- (d) ~~Fire drills shall be held periodically for both children and staff, at least quarterly.~~
- (e) ~~The staff and children residing in an institution shall be trained in properly reporting a fire, in extinguishing a small fire, and in escaping from a fire.~~
- (f) ~~For every 2,500 square feet of floor area and for each floor there shall be at least one fire extinguisher. Fire extinguishers shall be provided in accordance with the standards of the National Fire Protection Association standard number 10. They shall be inspected regularly and kept charged and filled at all times in accordance with National Fire Protection Association standard number 10.~~
- (g) ~~Fire exits, that is, doors, hallways, and stairs, shall be well lighted, kept clear and ready for instant use. No locks shall be installed on exit and on room doors which would prevent occupants from getting out by the simple operation of a single knob or lever. Emergency lighting shall be provided where required for greater safety in exiting the building.~~
- (h) ~~A manual fire alarm or signal system shall be installed in each child-caring institution residence which is audible throughout the building, kept in working order and readily identified by the staff and the children.~~
- (i) ~~Automatic smoke detectors shall be installed in each child caring institution residence in accordance with the North Carolina Uniform Residential Building Code Volume 1-B, Section 35 in which up to five children reside and in accordance~~

with the North Carolina State Building Code, Volume 1, Section 720 in which six or more children reside.

(j) ~~All electrical and heating installations shall be approved by the local building inspection department and the electrical wiring in the building shall conform with the requirements stated in Volume IV of the North Carolina State Building Code.~~

Authority G.S. 131D-10.5; 143B-153.

.0805 GENERAL SANITATION

(a) ~~Proper facilities shall be provided throughout the institution's buildings and premises to enable compliance with accepted sanitation standards. The water supply, sewerage disposal, solid waste disposal, food service, and other facilities shall meet applicable rules and regulations of the Division of health services:~~

- (1) ~~Institutional Occupancy. Each building providing care or food service to 13 or more children shall meet the requirements of "Rules Governing the Sanitation of Hospitals, Nursing and Rest Homes, Sanitariums, and Educational and Other Institutions" prepared by the Department of Human Resources, division of health services, sanitary engineering section.~~
 - (2) ~~Residential Occupancy. Each building providing care or food service to no more than 12 children shall meet the requirements of "Residential Care Facilities" for not more than 12 residents prepared by the Department of Human Resources, division of health services, sanitary engineering section. Acceptable facilities include:~~
 - (A) ~~a properly operating domestic dishwashing machine, or~~
 - (B) ~~immersion for at least one minute in clean hot water at a temperature of at least 170 degrees Fahrenheit or hotter, or~~
 - (C) ~~immersion for at least two minutes in clean water to which has been added enough chemical sanitizer to provide at least 50 parts per million of available chlorine or 12.5 parts per million of available iodine.~~
- (b) ~~To assure compliance with all local and state sanitation regulations, construction plans for a new child-caring institution residence, renovation of an existing building for child-caring institution purposes, and reconstruction of an existing child caring institution shall be submitted to and approved by the county health department in which the facility is located.~~

Authority G.S. 131D-10.5; 143B-153.

.0806 BATH AND TOILET FACILITIES

- (a) ~~There shall be not less than one lavatory with hot and cold water for every six children, one toilet for every six children, and one tub or shower for every eight children. In addition there shall be a minimum of one tub and one toilet and one lavatory in each building in which children live.~~
- (b) ~~There shall be separate toilet and bathing facilities for staff who live in the child-care residences.~~

Authority G.S. 131D-10.5; 143B-153.

.0807 SLEEPING FACILITIES

(a) Each child care residence developed after the effective date of these standards shall provide in each bedroom a minimum of 80 square feet of floor space for each occupant except that a bedroom for one occupant shall provide a minimum of 100 square feet.

(b) In existing residences each bedroom shall provide a minimum of 60 square feet of floor space for each occupant except that a bedroom for one occupant shall provide a minimum of 80 square feet of floor space.

(c) No child shall share a bedroom with a staff member.

(d) Each child shall have a bed of his own, not less than 30 inches wide nor shorter than his height. Beds shall be at least three feet apart at the head, foot and sides, and double-decker beds, shall be at least five feet apart. Each bed shall be provided with springs, a mattress in good repair and adequate bed covering. No day-bed, convertible sofa or other bedding of a temporary nature shall be used.

(e) Bedrooms shall be equipped with closet and drawer space for storage of clothing and other personal belongings.

Authority G.S. 131D-10.5; 143B-153.

.0808 HEAT, LIGHT, AND VENTILATION

(a) Heating facilities shall be provided that will keep the temperature in living quarters of the institution within a comfortable range, not lower than 62 degrees Fahrenheit during the day and 55 degrees Fahrenheit during the night. Special attention shall be given to heating bathrooms above these minimum temperatures.

(b) Natural light shall be available in every room used by children and staff. Window areas shall not be less than 1/10 of the floor area of each room.

(c) Adequate ventilation shall be available in every room in the institution which is used by children and staff.

Authority G.S. 131D-10.5; 143B-153.

.0809 INSPECTIONS

The institution shall request and secure inspections at least annually from the local sanitarian and from the local building inspector or fire inspector. Reports of such inspections shall be submitted to the Department of Human Resources.

Authority G.S. 131D, Art. 1A; 143B-153.

SECTION .0900 - PRIVATE INSTITUTION LICENSING INFORMATION

.0902 LICENSE

(a) Application for a new license to operate a child caring institution is made to the Department of Human Resources, division of social services, prior to the first child being accepted for full-time care.

(b) Application for renewal of a license to operate a child caring institution is made to the Department of Human

Resources, division of social services, prior to the expiration of the current license.

(c) Full License. A full license to operate a child caring institution will be issued for one year when a license study indicates the institution complies with the minimum standards for child caring institutions.

(d) Provisional License. A provisional license to operate can be issued for a period of time up to six months when a license study indicates the institution needs additional time to comply with particular requirement(s). A provisional license for an additional period of time to meet the same requirement(s) will not be issued.

(e) Termination of License. A license to operate a child caring institution will not be renewed when the institution does not comply with the minimum standards for child caring institutions after sufficient time is allowed in the judgment of the staff of the Department of Human Resources for the institution to correct areas of operation which are below standard.

(f) Revocation of License. A license to operate may be revoked if the child care institution is in violation of the minimum licensure standards and is making no efforts to correct the deficiency.

Authority G.S. 131D-10.5; 143B-153.

SECTION .1000 - PUBLIC INSTITUTION ORGANIZATION AND ADMINISTRATION

.1001 DEFINITIONS

(a) A "child caring institution" is a residential care facility utilizing permanent building located on one site for 10 or more children who are dependent, neglected, abandoned, destitute, orphaned, delinquent, or otherwise in need of care away from their own home and not held in detention. The purpose of a child caring institution is to provide foster care and related services for children who are unable to live in their own homes. Exception can be made when no more than two group homes located on one site and licensed as meeting group homes for children standards are operated by a county department of social services or by a private program licensed to provide child care or child placement services.

(b) The "director" is the person who is in charge of the facility, developing and supervising its program of care and services.

(c) "Children," in addition to children up to age 18, includes persons residing in and under the care of the institution who are 18 to 21 years of age. Children of staff members are not included.

(d) Public Institution. A public institution is an institution, as well as the property in it, which is held, used or controlled by any unit of government, state, county or municipal. These standards do not apply to state institutions for the mentally handicapped or to state institutions for the detention of juveniles.

(e) Private Institution. A private institution is an institution which is chartered by the Secretary of the State of North Carolina as a private corporation.

Authority G.S. 131D, Art. 1A; 143B-153.

.1002 PURPOSE

Any unit of government which operates a child caring institution shall do so pursuant to its statutory powers, duties, and authority. The purpose of the public institution shall be clearly defined and shall include the geographical area to be served, the children who will be accepted for care and the services to be provided for these children and their families.

Authority G.S. 131D, Art. 1A; 143B-153.

.1004 LOCATION

The institution shall be located available to schools, churches, hospitals, clinics, mental health services and recreational facilities. The location shall provide safe and ample playgrounds for children in an area conducive to their health and well-being.

Authority G.S. 131D, Art. 1A; 143B-153.

.1005 GOVERNING BODY

The unit of government which operates a child caring institution shall do one of the following:

- (1) Operate the institution as a line department; or
- (2) Assign responsibility for governing the institution to an existing board; or
- (3) Create a board of directors to govern the institution;
- (4) Composition of a board created to govern the institution:
 - (a) The board shall be made up of individuals of various occupations and experience from the geographical areas served by the institution who represent the interests of both the constituency sponsoring the institution and that which it serves or plans to serve;
 - (b) The board shall have a minimum of five members;
- (5) Meetings of the Board of Directors. Either the full board or its executive committee (or equivalent) shall meet at least quarterly. Permanent records shall be maintained of all meetings of the governing board and the executive committee;
- (6) The governing authority for the institution shall adopt regulations for the operation of the institution and shall ensure that the institution complies with these regulations.

Authority G.S. 131D-10.5; 143B-153.

.1006 FINANCES

(a) The institution shall have funds established to meet the costs of carrying out its defined purposes and providing proper care and services for the type and number of children accepted.

(b) A budget shall be approved by the governing board prior to the beginning of each fiscal year showing sources and amounts of income and providing for:

- (1) salaries for required number of staff;
- (2) meeting the direct costs of care for the number and type of children accepted;
- (3) maintenance of the physical plant;
- (4) meeting the cost of any proposed expansion or replacement;

(c) Financial accounts of the institution, which are audited annually, shall be maintained in accordance with designated accounting procedures for the governmental unit operating the institution. A copy of the annual budget and a copy of the audit shall be submitted each year to the Department of Human Resources.

Authority G.S. 131D-10.5; 143B-153.

.1007 STAFF: GENERAL

The institution shall provide the staff and services necessary to ensure the proper care and safety of children in care of the institution. Staff members who live with children in care of the institution or prepare their food shall have a health examination within at least six months before beginning work and biennially thereafter. Such examinations shall include tests necessary to determine that the staff member is free from communicable diseases and able to carry out assigned duties.

Authority G.S. 131D-10.5; 143B-153.

.1008 THE DIRECTOR

(a) There shall be a full-time director to supervise the program of care and services of an institution licensed for 20 or more children, and a director at least part-time for an institution licensed for less than 20 children.

(b) The Director shall have education, training, and experience that qualifies him for planning, administering, and supervising a residential child care program.

(c) A director appointed after the effective date of these standards shall have a degree from an accredited four year college or university and shall have at least two years of work experience, one of which was in a supervisory capacity, in the field of child welfare services, health services, education, psychology, social services, religious education, or other allied profession.

(d) The Director shall be in charge of the operation of the institution, providing at least quarterly reports for the governing authority on all phases of its operation. The Director shall have the following responsibilities:

- (1) Interpreting established standards of child care and initiating and carrying out a sound program in accordance with these standards;
- (2) Preparing the institution's budget in collaboration with those persons with designated fiscal responsibilities. The budget shall be presented to the board for approval;
- (3) Ensuring that all purchases are made in accordance with procurement policies of the governmental unit. The Director shall secure approval for items not authorized in the budget;
- (4) Employing and discharging all members of the institution's staff within the personnel policies of the governmental unit;
- (5) Holding staff meetings at regular intervals and discussing plans and policies with the staff;
- (6) Providing and promoting a program of education for the continued training and development of the staff;

The Director shall be responsible for the effectiveness and efficiency of the staff;

- (7) Establishing and maintaining cooperative working relationships with other social agencies in the community and interpreting the institution's program;
- (8) The Director shall have responsibility for administration, social services, the child care program and the physical plant of the institution with delegation of actual work in these areas as is appropriate;
- (9) The Director shall delegate authority to a qualified staff member during his absence from the institution;
- (10) The Director shall be responsible for making all employees aware of the Child Abuse and Neglect Reporting Law and establishing a reporting procedure.

Authority G.S. 131D-10.5; 143B-153.

.1009 SUPERVISORY STAFF/PROFESSIONAL SERVICES

(a) The Departmental heads, unit directors, supervisors, and other management staff shall be qualified by education, training, and experience for the particular job responsibilities to which they are assigned.

(b) The institution shall have available those professional services which assure appropriate care for children. Such professional services shall include those of doctors and dentists, nurses, social workers, psychologists, psychiatrists, dietitians, health educators and teachers.

Authority G.S. 131D-10.5; 143B-153.

.1010 CLERICAL STAFF

The institution shall have clerical services to keep correspondence, records, bookkeeping and files current and in good order.

Authority G.S. 131D, Art. 1A; 143B-153.

.1011 CHILD CARE STAFF

(a) There shall be at least one child care worker assigned for direct care and supervision to each living unit or group of children at all times. It is recommended that both males and females be employed as child care staff.

(b) The ratio of child care staff who are employed by the institution to provide care and supervision for children shall be one for every ten children six years of age and older and one for every eight children younger than six years of age included in the living unit. If a living unit has all age children younger than six years of age there shall be one child care worker for five children. Staff included in the ratio are child care workers and supervisors of child care. Relief staff are not included in the ratio.

(c) Each member of the child care staff shall be selected on the basis of his knowledge, experience, and competence required in caring for children.

(d) Child care staff shall be no younger than 18 years of age.

(e) Each child care worker shall be provided inservice training and qualified, competent supervision in the areas of home management, child rearing, family life education, sound health practices and health maintenance, and food preparation and nutrition when meals are prepared in the living units by the child care workers.

Authority G.S. 131D-10.5; 143B-153.

.1012 MAINTENANCE STAFF

There shall be a sufficient number of maintenance staff available to assure that the operation and maintenance of the institution shall not be dependent upon the work of the children in care.

Authority G.S. 131D, Art. 1A; 143B-153.

.1013 PERSONNEL POLICIES

(a) The institution shall have written personnel policies and shall adhere to the policies:

- (1) Job Descriptions. There shall be a current written job description for each position which includes qualifications for the position, the duties of the position, and specifies to whom the employee is responsible.
- (2) Leave. The institution shall have a written policy which provides resident staff with direct responsibility for children a minimum of six 24 hour days off duty each month. They shall have some free time off duty each day.
- (3) Dismissal. There shall be a policy concerning the discharge of employees which includes a grievance procedure.

(b) Living quarters shall be provided for all staff whose job responsibilities require them to live within the institution.

Authority G.S. 131D-10.5; 143B-153.

SECTION .1100 - PUBLIC INSTITUTION SOCIAL SERVICES

.1101 STAFF

The institution shall have one or more qualified persons to provide admission, residential, and discharge services to children and their families. To be qualified, staff employed to provide social services after the effective date of these standards shall have a degree in a human service field from an accredited four year college or university. They shall be familiar with community resources for children and their families in addition to the institution's services.

Authority G.S. 131D-10.5; 143B-153.

.1102 ADMISSION SERVICES

(a) Admission policies shall be clearly defined in writing and available to persons or agencies making inquiries. Admission policies shall be carefully reviewed from time to time and

changed as needs and conditions in the community change.

(b) Admission services shall be in accordance with the stated policies of the institution. Admissions shall be limited to those children who need care apart from their families and for whom the institution is qualified by staff, program, facilities, and services to give appropriate care.

(c) Staff responsibility for decisions on admission shall be clearly established.

(d) Decisions on admissions shall be based upon a study of the total situation of the child and his particular needs. The study shall be made prior to admission and shall include all information which will enable a careful analysis of the application to determine if the institution's program of care is appropriate for the child.

(e) When parents or other relatives with legal responsibility for a child apply for the child's admission, the institution shall ascertain what community resources are available to keep the child in his own home, such as financial assistance, homemaker services, day care services, and other supportive services. County departments of social services, where requested, can assist families in evaluating community resources available to them.

(f) A public institution shall not accept legal custody of children. Children shall be accepted by written application signed by the person or representative of the agency having legal authority to place the children. Written agreements shall be made setting forth the responsibilities of the institution and of the person or agency having legal authority for caring and planning for the child. Provision shall be made for continuing relationships between the institution, the legally responsible person or agency, and the child during the period of placement.

(g) The provisions of the North Carolina interstate placement laws (G.S. 110-50 through 110-57 and 110-57.1 et. seq.) shall be met when out of state children are being considered for admission or discharge. North Carolina interstate placement laws require the approval of the North Carolina Department of Human Resources prior to placement of a child by an out of state agency. Correspondence relative to admission, progress, and discharge of children in custody of out of state agencies shall be routed through the North Carolina Department of Human Resources, division of social services, as outlined in its operational manual.

(h) No child shall be accepted in an institution without a medical examination and a statement signed by a licensed medical provider specifying the child's current medical condition and medications prescribed and indicating the presence of any communicable disease or medical condition which may pose a significant risk of transmission in the facility.

(i) In the event of emergency admissions, the required admission procedures shall be completed within two weeks following admission. If more than five percent of an institution's population are admitted on an emergency basis, in any 12-month period, the institution shall provide an identifiable program for the provision of emergency care in a living unit separate from other children in residence.

Authority: G.S. 131D-10.5; 143B-153.

.1103 RESIDENTIAL SERVICES

(a) Each child in care shall have a qualified staff person responsible for assisting him in making the best use of his stay in the institution. This shall include opportunities to talk privately about his experiences living in the institution and to express grievance. Professional services shall be made available for children who need help in resolving personal or family problems.

(b) Arrangements shall be made for staff to talk with parents, relatives, or representatives of agencies having legal responsibility about an individual child's care and adjustment in the institution.

(c) Visiting policies for the institution shall be flexible to allow parents, relatives, and friends to visit with children at least twice a month.

(d) No child shall be allowed to visit with anyone for weekends, holidays, and vacations without the consent of the person or agency having legal responsibility for him.

(e) If the institution uses private families in the community as visiting homes for children, the interests, needs, and welfare of each child shall be considered in arranging these visits. The institutions shall assess each private family to be used as a visiting home to determine if the family can provide proper care and supervision for children.

(f) A review shall be made at least once a year of each child in care to reassess his needs. The review is to identify what type of care and services are needed by the child, if he needs continued care in the institution, or if his family circumstances have changed and he can be returned to his home.

(g) When a child whose parents placed him in the institution no longer has his parents available to him due to their death, or incapacity, or abandonment of the child, the institution shall refer the matter to the county department of social services or court having jurisdiction or to an attorney with the request for a legal guardian or custodian to be appointed for the child.

(h) When adoption is in the best interest of a child whose parents are deceased or whose parents or other relatives cannot provide a home for him, referral for adoption services shall be discussed with the person or agency representative having legal responsibility for the child.

Authority: G.S. 131D-10.1; 131D-10.5; 143B-153.

.1104 DISCHARGE SERVICES

(a) Staff responsibility for decisions on discharging children shall be clearly established. Children under 18 years of age shall be discharged to the person or agency having legal custody of the children. Insofar as possible, the release of each child shall be planned with him and with the person or representative of the agency having legal responsibility for him allowing time for arrangements to be made for the child's care. In all cases, the decision to discharge a child and the child's decision to leave the institution shall be made known to the person or agency having legal responsibility for the child and opportunity provided for discussion of this action.

(b) Children shall not be released and admitted to the care of another institution or treatment facility without the knowledge and consent of the person or agency having legal authority for

placing the child.

Authority G.S. 131D-10.5; 143B-153.

.1105 RECORDS

(a) The institution shall maintain case records for the purpose of:

- (1) protecting the legal rights of the child, his parents and legal custodian, and the institution;
- (2) documenting the kinds of services rendered to a child and his family; and
- (3) providing a source of information about individual children, as well as information for the institution in planning its program of care and services.

(b) Case records shall include the following information for each child:

- (1) completed application form signed by the person or agency having legal authority to place the child;
- (2) a pre-admission study of the child and his family situation, including an explanation of custody and legal responsibility for the child as indicated by parental statements, court orders, or agency agreements;
- (3) a verification of birthdate;
- (4) medical consent signed by the person or representative of the agency having legal custody of the child;
- (5) agreements indicating the responsibilities of the person or agency having legal responsibility for the child and the institution in planning and caring for the child; an explanation of why the child needs the institution's care and what is going to be provided for the child;
- (6) agreements and consents for visits outside the institution;
- (7) reports of the pre-admission medical examinations, including immunizations, and reports on all medical, dental or psychological services provided while the child is in care;
- (8) a written summary prepared at least semiannually of the review of the child's needs, his progress or lack of progress in care, changes in his family circumstances, and the objectives for the child's care;
- (9) a discharge summary indicating date and circumstances of discharge and plan for care in the community.

(c) The institution shall maintain a record of each request for admission received during a current year, the action taken on the request, and the disposition made.

Authority G.S. 131D-10.5; 143B-153.

.1106 REPORTS

The institution shall submit an annual report to the Department of Human Resources on Form DSS-1843, annual report to the Department of Human Resources, division of social services.

Authority G.S. 131D, Art. 1A; 143B-153.

SECTION .1200 - PUBLIC INSTITUTION CHILD CARE AND DEVELOPMENT

.1201 SOCIAL ASPECTS OF CARE

(a) The Child as an Individual

- (1) Each child shall be considered an individual personality. He shall be given appropriate opportunities for growth as a unique individual, for learning on his own as well as in a group, for doing things by himself, for himself, as well as with and for others.
- (2) Efforts shall be made to give each child sufficient individual attention and affection to compensate in some degree for the regimentation of group living.
- (3) Each child shall have the opportunity to form constructive relationships with staff of both sexes.
- (4) Each child shall be allowed to experience ownership and have his own place to keep his possessions.
- (5) Each child shall have personal clothing and have his own place to keep his clothing. He shall be allowed to take part in selecting his clothing according to his age and ability to do so. When he leaves the institution, he shall be allowed to take his clothing with him.
- (6) Each child shall be given the opportunity of learning the value and use of money through earning, spending, giving, and saving. Each child shall have an allowance appropriate to his age to spend as he wishes.

(b) The Child and His Family

- (1) The institution shall provide and encourage opportunities for each child to maintain contact and visit with parents, siblings, and relatives both at the institution and away from the institution insofar as circumstances permit, and these contacts and visits are approved by the person or agency having legal responsibility for the child when other than the natural parents.
- (2) No humiliating remarks about a child's parents, relatives, or guardian shall be made to the child or to other children in the institution.

(c) The Child and the Institution. Each child shall be assigned to the care of a child care worker who shall be responsible for assuring his daily care. Each child shall be given the opportunity to discuss any personal concerns in confidence with his child care worker.

(d) The Child and the Community

- (1) The institution shall make whatever efforts are possible toward helping the children have normal contacts in the community in which the institution is located such as participation in school functions, recreational facilities, character-building organizations, church youth groups, and part-time paid or volunteer jobs.
- (2) Children shall be encouraged to form friendships with children outside the institution, to visit their

friends in the community and have their friends visit them in the institution. Children shall have access to telephones to provide them with opportunity to maintain contact with friends and family members.

(e) Discipline

- (1) The institution shall have clearly defined, written, reasonable disciplinary policies which are fair to children and staff. These policies shall be directed at helping each child develop his own self control and assume responsibility for his own acts. These policies shall include measures to protect children from abuse.
- (2) Administration of discipline shall be an adult responsibility. No child or group of children shall be allowed to punish another child.
- (3) Requests made of children and standards set for their behavior shall be reasonable and within their ability to achieve.
- (4) Children shall not be subjected to cruel, severe or excessive punishment including, but not limited to, physical abuse, verbal abuse, locked confinement, deprivation of food, of mail, and of family visits and contacts.

(f) Work Assignments

- (1) Work assignments for children in the institution shall be planned for a child to have meaningful work experiences and to develop good work habits and a sense of responsibility.
- (2) Work assignments shall be made according to the ages and abilities of children. Children shall be provided adult supervision on their work assignments.
- (3) Work assignments shall not interfere with school, recreation, study periods, adequate sleep, community contacts and visits with family.
- (4) It is recommended that the North Carolina Child Labor Law concerning age, hours of labor, and prohibited hazardous occupations be complied with in work assignments for children.
- (5) Children shall not be substitutes for employed staff. They shall not be required to carry out responsibilities of staff.
- (6) An institution shall not require a child to work for the purpose of paying the institution for his care.

(g) Exploitation

- (1) No child shall be used in any way to solicit funds. Neither shall he be identified in connection with publicity for the institution in any way which will bring him or his family embarrassment. Written permission shall be obtained from the person or agency having legal responsibility for each child before pictures or any other means of identifying children are used in publicity or public relations efforts of the institution.
- (2) No child shall be forced to acknowledge in public his dependency on the institution or his gratitude to it.

Authority G.S. 131D-10.5; 143B-153.

.1202 RECREATION

(a) The institution shall provide individual and group recreational opportunities appropriate to the age, interests, and needs of each child. Suitable space and competent adult direction shall be provided for both indoor and outdoor recreational activities.

(b) The recreational program shall provide opportunities for boys and girls to play together as well as separately. For older children, a dating policy shall be established which will allow them opportunities for developing social relationships with others of their own age group in the institution and in the community.

Authority G.S. 131D-10.5; 143B-153.

.1203 EDUCATION

(a) The institution shall see that each child of school age is provided an education in a public school or nonpublic school which is operated in accordance with the public school laws or with the nonpublic school laws of North Carolina.

(b) If a school is maintained and operated by the institution, or an education program is operated by the institution which children attend in lieu of attending schools off campus, the institution shall comply with N. C. General Statutes governing nonpublic schools.

(c) Facilities shall be provided by the institution for home study and for reference books. Provisions shall be made for remedial assistance as indicated by the needs of the children.

Authority G.S. 131D-10.5; 143B-153.

.1204 RELIGIOUS TRAINING

(a) Each child shall have opportunities for religious education and to attend religious services.

(b) Each institution shall have clearly defined policies regarding religious training and practices for the information of those considering placement of children in the institution.

Authority G.S. 131D-10.5; 143B-153.

.1205 MEDICAL PROGRAM

Medical Program.—The institution shall have a planned program of medical care which shall be implemented and include each child in care:

- (1) Admission Requirement.—Each child shall have had a medical examination prior to admission. The examination shall be reported in writing and specify any condition or defect the child might have and any medications prescribed.
- (2) Medical Care
 - (a) Arrangements shall be made with one or more licensed medical physicians or medical clinics for the medical care of the children.
 - (b) Each child shall have a physical examination at least once a year and more often as needed. A child shall not be allowed to participate in activities injurious to

his health. Any illness, disease or defect of a child shall be identified and treated promptly through proper medical care. Children shall have psychiatric or psychological examination or both when indicated and treatment when indicated.

- (c) ~~The child care staff shall be instructed as to what medical care may be given by them without specific orders from a licensed medical physician. They shall be instructed as to how and when to obtain further care and how to handle emergencies.~~
- (3) ~~Hospital Care. Arrangements shall be made with a hospital for the admission of children from the institution in the event of serious illness or emergency.~~
- (4) ~~First Aid. At least one member of the child care staff on duty at any given time shall have taken a course in first aid given by a qualified instructor and be able to administer first aid. First aid kits shall be available.~~
- (5) ~~Home Health Care~~
 - (a) ~~Each member of the child care staff shall be able to recognize common symptoms of illnesses and disturbances in children and to note any defects. The child care staff shall be alert to any infectious condition of the children and shall take proper precautions to prevent the spread of such condition.~~
 - (b) ~~The child care staff shall be able to provide home nursing care. A sterile clinical thermometer shall be kept available for use. Arrangements shall be made for isolation and appropriate attendant care of a child with a communicable disease.~~
 - (c) ~~Prescription drugs shall only be administered when approved by a licensed medical physician. Medicines shall be stored in a separate cabinet, closet or box not accessible to children.~~
- (6) ~~Medical Records. Each child shall have a personal medical record which shall include the report of the physician who examined him prior to admission to the institution, a record of his immunizations, consent for medical care signed by the person or representative of the agency having legal custody of the child, a record of each physical examination and of medical care given while the child is in care. The latter shall include a record of hospitalizations, allergies, significant illnesses or accidents and treatment given. Any drug allergies shall be noted on the cover of the folder containing the medical records.~~

Authority G.S. 131D-10.5; 143B-153.

.1206 DENTAL PROGRAM

The institution shall have a planned program of dental care and dental health which shall be followed for each child in care:

- (1) ~~Routine Care and Treatment~~
 - (a) ~~Arrangements shall be made with one or more licensed dentists for the dental care of the children.~~
 - (b) ~~Each child shall have a dental examination at least once a year and treatment as indicated.~~
- (2) ~~Dental Records. Included in a child's medical record shall be a dental record indicating dates of~~

examination and treatment.

Authority G.S. 131D, Art. 1A; 143B-153.

.1207 ROUTINE HEALTH CARE AND PERSONAL HYGIENE

- (a) ~~Children shall be taught and helped to develop good health care. Each child shall have enough sleep for his age at regular and reasonable hours and under conditions conducive to rest.~~
- (b) ~~Children shall receive training in all aspects of personal hygiene. They shall be taught and helped to keep themselves clean.~~
- (c) ~~Each child shall have his own clearly identified toothbrush, comb, towel and wash cloth and his own separate place for keeping these personal articles. Towels, face cloths, and bed linens shall be changed as frequently as necessary to be clean.~~

Authority G.S. 131D, Art. 1A; 143B-153.

.1208 NUTRITION

- (a) ~~Nutritious, foods shall be provided in the variety and amounts necessary to meet the National Research Council's recommended daily dietary allowances. Special diets shall be planned to meet any modified food needs of individual children.~~
- (b) ~~Nourishing snacks shall be provided and may be part of the daily food needs, but they shall not replace regular meals. Snacks are to be recorded on the regular menu. Recommended snacks are milk, fresh fruits and vegetables, cheese, peanut butter, nuts, popcorn, crackers, and occasionally, cookies.~~
- (c) ~~Menus shall be planned and written by or in consultation with a registered nutritionist or dietitian. When food services are not directed by a nutritionist or dietitian, who is defined as a graduate of a school of home economics or dietetics, periodic consultation with a registered nutritionist or dietitian shall be implemented. Records of consultations and recommendations shall be maintained by the facility.~~
- (d) ~~Menus shall be planned and written at least one week in advance to insure the meeting of nutritional needs and to give the basis for purchasing to meet these needs.~~
- (e) ~~Children and staff members who eat with them shall be served the same food except for tea and coffee, unless differences in age or special dietary needs are factors.~~

Authority G.S. 131D-10.5; 143B-153.

SECTION .1300 - PUBLIC INSTITUTION BUILDINGS: EQUIPMENT AND SAFETY

.1301 CONSTRUCTION

- (a) ~~Construction plans for new, reconstructed or renovated buildings shall be compatible with the child care function of the institution and its program needs. A child caring institution shall not offer in the same building two different types of occupancy or programs of care.~~
- (b) ~~All local and state building codes and zoning regulations shall be complied with in the construction of a new child caring institution, in the conversion of an existing building for child caring institution purposes, and in the remodeling of an existing~~

child-caring institution.

Authority G.S. 131D-10.5; 143B-153.

.1302 REQUIREMENTS FOR APPROVAL

(a) Preliminary and final construction plans for all new buildings and of all conversions shall be submitted to and approved by the Department of Human Resources, division of facility services, construction section prior to beginning construction. Four sets of construction plans and specifications shall be forwarded to the Department of Human Resources, division of facility services, construction section for distribution to and review by the Division of facility services, the Division of Social Services, the Division of health services, and the Department of Insurance, engineering division.

(b) If a question arises as to whether an existing building used for child-caring institution purposes meets the requirements of the North Carolina State Building Code, an interpretation can be obtained by submitting a floor plan of the building together with details of construction to the Department of Human Resources, division of facility services, construction section or by requesting an on-site visit by a member of the staff.

Authority G.S. 131D, Art. 1A; 143B-153.

.1303 GENERAL REQUIREMENTS

All buildings to be used for child-caring institution purposes shall meet the requirements of the North Carolina State Building Code which is adopted by reference pursuant to G.S. 150B-14(e) for the type of occupancy for which the building is to be used:

(1) Institutional Occupancy. Residential care facilities for 10 or more children who are dependent, neglected, abandoned, destitute, orphaned, delinquent, and not involuntarily detained shall meet applicable group I institutional requirements in Vol. I Section 409 and Vol. I-C (handicapped requirements) of the North Carolina State Building Code.

(2) Residential Occupancy

(a) All residential care facilities keeping as many as six and less than 10 children who are dependent, neglected, abandoned, destitute, orphaned, delinquent or children who are separated temporarily from their parents shall meet group A "special occupancy requirements" in Section 510 of Chapter V of the North Carolina State Building Code.

(b) All residential care facilities keeping no more than five children shall meet the North Carolina Uniform Residential Building Code. Mobile homes are not allowed for child-caring institution residences.

Authority G.S. 131D-10.5; 143B-153.

.1304 FIRE SAFETY

(a) Children and staff shall be instructed on fire prevention.

(b) Care shall be exercised by the staff in allowing children to use matches, or to handle inflammable or combustible materials.

(c) Fire evacuation plans shall be developed and posted in each building.

(d) Fire drills shall be held periodically for both children and staff, at least quarterly.

(e) The staff and children residing in an institution shall be trained in properly reporting a fire, in extinguishing a small fire, and in escaping from a fire.

(f) For every 2,500 square feet of floor area and for each floor, there shall be at least one fire extinguisher. Fire extinguishers shall be provided in accordance with the standards of the National Fire Protection Association standard number 10. They shall be inspected regularly and kept charged and filled at all times in accordance with National Fire Protection Association standard number 10.

(g) Fire exits, that is, doors, hallways, and stairs, shall be well lighted, kept clear and ready for instant use. No locks shall be installed on exit and on room doors which would prevent occupants from getting out by the simple operation of a single knob or lever. Emergency lighting shall be provided where required for greater safety in exiting the building.

(h) A manual fire alarm or signal system shall be installed in each child-caring institution residence which is audible throughout the building, kept in working order and readily identified by the staff and the children.

(i) Automatic smoke detectors shall be installed in each child-caring institution residence in accordance with the North Carolina Uniform Residential Building Code Volume 1-B, Section 35 in which up to five children reside and in accordance with the North Carolina State Building Code, Volume 1, Section 720 in which six or more children reside.

(j) All electrical and heating installations shall be approved by the local building inspection department and the electrical wiring in the building shall conform with the requirements stated in Volume IV of the North Carolina State Building Code.

Authority G.S. 131D-10.5; 143B-153.

.1305 HEALTH ASPECTS

(a) General Sanitation. Proper facilities shall be provided throughout the institution's buildings and premises to enable compliance with accepted sanitation standards. The water supply, sewerage disposal, solid waste disposal, food service, and other facilities shall meet applicable rules and regulations of the Division of health services:

(1) Institutional Occupancy. Each building providing care or food service to 13 or more children shall meet the requirements of "Rules Governing the Sanitation of Hospitals, Nursing and Rest Homes, Sanitariums, and Educational and Other Institutions" prepared by the Department of Human Resources, division of health services, sanitary engineering section.

(2) Residential Occupancy. Each building providing care or food service to no more than 12 children shall meet the requirements of "Residential Care Facilities" for not more than 12 residents prepared by the Department of Human Resources, division of health services, sanitary engineering section. Acceptable facilities include:

(A) a properly operating domestic dishwashing

machine, or

(B) ~~immersion for at least one minute in clean hot water at a temperature of at least 170 degrees fahrenheit or hotter, or~~

(C) ~~immersion for at least two minutes in clean water to which has been added enough chemical sanitizer to provide at least 50 parts per million of available chlorine or 12.5 parts per million of available iodine.~~

(b) ~~To assure compliance with all local and state sanitation regulations, construction plans for a new child caring institution residence, renovation of an existing building for child caring institution purposes, and reconstruction of an existing child caring institution shall be submitted to and approved by the county health department in which the facility is located.~~

Authority G.S. 131D-10.5; 143B-153.

.1306 BATH AND TOILET FACILITIES

(a) ~~There shall be not less than one lavatory with hot and cold water for every six children, one toilet for every six children, and one tub or shower for every eight children. In addition, there shall be a minimum of one tub and one toilet and one lavatory in each building in which children live.~~

(b) ~~There shall be separate toilet and bathing facilities for staff who live in the child care residences.~~

Authority G.S. 131D-10.5; 143B-153.

.1307 SLEEPING FACILITIES

(a) ~~Each child care residence developed after the effective date of these standards shall provide in each bedroom a minimum of 80 square feet of floor space for each occupant except that a bedroom for one occupant shall provide a minimum of 100 square feet.~~

(b) ~~In existing residences each bedroom shall provide a minimum of 60 square feet of floor space for each occupant except that a bedroom for one occupant shall provide a minimum of 80 square feet of floor space.~~

(c) ~~No child shall share a bedroom with a staff member.~~

(d) ~~Each child shall have a bed of his own, not less than 30 inches wide nor shorter than his height. Beds shall be at least three feet apart at the head, foot, and sides; and double-decker beds shall be at least five feet apart. Each bed shall be provided with springs, a mattress in good repair and adequate bed covering. No day-bed, convertible sofa or other bedding of a temporary nature shall be used.~~

(e) ~~Bedrooms shall be equipped with closet and drawer space for storage of clothing and other personal belongings.~~

Authority G.S. 131D-10.5; 143B-153.

.1308 HEAT, LIGHT, AND VENTILATION

(a) ~~Heating facilities shall be provided that will keep the temperature in living quarters of the institution within a comfortable range, not lower than 62 degrees fahrenheit during the day and 55 degrees fahrenheit during the night. Special attention shall be given to heating bathrooms above these~~

~~minimum temperatures.~~

(b) ~~Natural light shall be available in every room used by children and staff. Window areas shall not be less than 1/10 of the floor area of each room.~~

(c) ~~Adequate ventilation shall be available in every room in the institution which is used by children and staff.~~

Authority G.S. 131D-10.5; 143B-153.

.1309 INSPECTIONS

~~The institution shall request and secure inspections at least annually from the local sanitarian and from the local building inspector or fire inspector. Reports of such inspections shall be submitted to the Department of Human Resources.~~

Authority G.S. 131D, Art. 1A; 143B-153.

SECTION .1400 - PUBLIC INSTITUTION LICENSING INFORMATION

.1402 LICENSE

(a) ~~Application for a new license to operate a child caring institution is made to the Department of Human Resources, division of social services, prior to the first child being accepted for full-time care.~~

(b) ~~Application for renewal of a license to operate a child caring institution is made to the Department of Human Resources, division of social services, prior to the expiration of the current license.~~

(c) ~~Full License. A full license to operate a child caring institution will be issued for one year when a license study indicates the institution complies with the minimum standards for child caring institutions.~~

(d) ~~Provisional License. A provisional license to operate can be issued for a period of time up to six months when a license study indicates the institution needs additional time to comply with particular requirement(s). A provisional license for an additional period of time to meet the same requirement(s) will not be issued.~~

(e) ~~Termination of License. A license to operate a child caring institution will not be renewed when the institution does not comply with the minimum standards for child caring institutions after sufficient time is allowed in the judgment of the staff of the Department of Human Resources for the institution to correct areas of operation which are below standard.~~

(f) ~~Revocation of License. A license to operate may be revoked if the child caring institution is in violation of the minimum licensure standards and is making no efforts to correct the deficiency.~~

Authority G.S. 131D-10.5; 143B-153.

SUBCHAPTER 41R - LICENSING STANDARDS: RESIDENTIAL CAMPS PROVIDING FOSTER CARE FOR CHILDREN

SECTION .0100 - LICENSING STANDARDS: RESIDENTIAL CAMPS PROVIDING

FOSTER CARE FOR CHILDREN

.0101 APPLICABILITY

(a) The rules in this Subchapter shall apply to all persons licensed or seeking licensure to a children's camp as defined in G.S. 131D-10.2(5). The purpose of these Rules is to assure, to the extent possible, that the child served in the camp will receive quality care; and, to allow the maximum amount of flexibility for individual programs to exist with different program designs, philosophies regarding dealing with changing behavior, and children's population.

(b) A full license shall be valid for a period not to exceed 12 months.

(c) Persons licensed to provide foster care at either a permanent camp site or in a wilderness setting shall admit no child less than 10 years of age and the duration of an admission shall not exceed 12 months. No child shall be readmitted within six months of the date of discharge.

(d) A camp for children with either behavior problems or in conflict with the law is a residential facility that utilizes a therapeutic camping environment to carry out a preventive and rehabilitative process.

Authority G.S. 131D-10.5.

.0102 ADMINISTRATION AND ORGANIZATION

(a) Children's camps providing foster care at either a permanent camp site or in a wilderness setting shall comply with the administrative and organizational requirements set forth in 10 NCAC 41N.

(b) The Director of the children's camp shall be no younger than 21 years of age, have a bachelor's degree, from an accredited four year college or university and shall have at least two years of work experience, one of which was in a supervisory capacity in the field of child welfare services, health services, education, psychology, social services, religious education or other allied profession.

(c) Counselors shall be at least 21 years of age and shall be required prior to assuming the position and annually thereafter to present a medical statement from a licensed medical provider that verifies no communicable disease or specific illness which may pose a significant risk of transmission in the Facility. The statement shall be written based upon examination not more than six months prior to employment.

(d) The children's camps shall provide staff necessary to insure the health and safety of each child in care. The camp shall meet the qualifications outlined as follows:

- (1) there shall be at least one counseling staff member on duty for every eight children in residence; and
- (2) during sleeping hours, the counselors shall be located so that no child will be out of calling range.

(e) At least 15 hours of in-service training shall be provided annually for all staff working directly with the children. Training shall be specific to the assigned duties of staff and be designed to improve work with children in areas such as behavior management, communication and relationship skills, education, problem solving, first aid, meal preparation, trip planning, using community resources, goal setting and

evaluation, schedule planning, water safety and crisis intervention. Records of such training will be kept on file, which would include the date, the subject, method of training, and the name of the person(s) who conducted the training.

(f) A children's camp shall employ personnel who are responsible for supervising the staff who provide day by day guidance to each child to ensure the continued training and development of such staff in the discharge of their assigned duties.

(g) First aid training is required for all counseling staff as follows:

- (1) First aid training received must be documented in the files for all group counselors and their supervisors;
- (2) First aid training must be conducted by a certified instructor or a licensed professional; and
- (3) First aid training must be current. Certificates or statements of training must be contained in the camp files and all first aid training is to be updated every three years.

(h) Water safety activity training is required for all counseling staff as follows:

- (1) all group counseling staff and their immediate supervisors shall have successfully completed the basic rescue and water safety course, with certification documented in the camp files; and
- (2) basic rescue and water safety training shall be updated every three years.

Authority G.S. 131D-10.5.

.0103 PROGRAM REQUIREMENTS AND SERVICES

(a) The camp shall have a written description of services provided by the camp to address the needs of the population served. The document shall include a description of the camp's plan for family involvement and for the provision of services, making it clear which services are provided directly by the camp and which are provided in cooperation with either family or community resources.

(b) The written description of the camp's plan shall be utilized in providing daily activities and structures for meeting the physical, social, emotional, educational and developmental needs of children in care.

(c) The camp shall designate the staff responsible for planning, implementing, and evaluating its various program activities and functions and its arrangements for groupings of children in care.

(d) The camp shall designate the staff responsible for periodic assessment of each child's progress in care and for determining when changes need to be made in the child's plan of care.

(e) The camp shall specify who is authorized to admit and discharge children. Prior to the admission of a child, the camp shall secure documentation of the child's legal custody and shall admit the child only upon written agreement signed by the person or agency representative having the legal authority to place a child.

(f) Each child shall have a medical assessment, within 60 days prior to admission, indicating the child's ability to

participate in the activities and specifying the child's current medical condition and medications prescribed and indicating the presence of any communicable disease or medical condition which may pose a significant risk of transmission in the facility.

(g) The camp shall not accept a child for care until an intake study has been made by the assigned staff person and it has been determined that the needs and the best interests of the child and his family or custodian can be met through the camping program.

(h) The camp shall establish clearly written admission policies and procedures which shall be available, upon request, to the public.

(i) Admission to the camp must be limited to the number of children for whom the camp is licensed and types of children for whom a camp setting is imperative. Only those children who need care, individual attention and supervision apart from their families and for whom the camp is qualified by staff, program, facility, and services shall be admitted.

(j) Prior to the admission date, the camp shall document the following in writing for each child:

- (1) who has legal custody;
- (2) who will be financially responsible for the support and medical and dental care of the child;
- (3) how the family and legal custodian will participate in the program;
- (4) how phone calls, letters, and visits will be arranged;
- (5) how clothing, allowances, and gifts for the child will be handled;
- (6) written consent from the child's legal custodian for the child to participate in activities that the camp will be planning for the child away from the camp area; and
- (7) a written agreement, signed prior to the day of admission by the camp staff, the child, parent and legal custodian, which specifies who will be responsible for planning and implementing goals while the child is in the camping program.

(k) The camp shall establish written discharge policies and procedures which will include at least the following:

- (1) giving prior notice to the parent or custodian when a child is scheduled for discharge;
- (2) planning with the child and his parent or legal custodian for his discharge, giving the opportunity for discussion and after-care planning;
- (3) discharging children under 18 who have not been legally emancipated only to the person or agency having legal custody of the child;
- (4) notifying the legal custodian promptly in the event a child leaves the camp for any non-scheduled purpose such as medical emergency or runaway. Procedures shall be developed for handling such non-scheduled departures and for determining how the child will return to the program; and
- (5) documenting in the case record the circumstances leading to discharge, the reason for discharge, who requested the discharge, the progress that had been made toward realizing the goals, and to whom the child was discharged.

(l) Written intervention goals and plans for implementing services to each child in care will be developed within 30 days

of admission for each child and documented in the child's case file, including:

- (1) goals stated in specific, realistic, and measurable terms;
- (2) plans that are action-oriented, including who on the staff is responsible for the child to reach specific goals, and how the staff will act in order for the goals to be met; and
- (3) goals and plans written in cooperation with the child and his family and his legal custodian.

(m) The child's service plan shall be based upon the assessment of the child and the family's needs and the reasons that the child's foster care needs can best be accommodated in the camping environment.

(n) The plan shall be reviewed at least every three months to determine the child's and family's progress or lack of progress towards meeting the goals and objectives, and to determine changes that need to be made in the plan.

(o) Children's camps shall maintain complete, accurate, and current case records on each child receiving service.

(p) The case record shall include at least the following:

- (1) a complete application for service, signed by the person or agency having legal custody, which includes at least the following:
 - (A) the name, address, race, sex, religion, birth date, and place of birth of the child;
 - (B) the name, address, telephone number, and marital status of the parent or legal custodian, siblings, grandparents, and other significant individuals to the child;
 - (C) date of admission and source referral; and
 - (D) all documents related to the referral of the child to the camp, including social, family, medical, educational, and other pertinent history that was used in making a decision to admit the child to the camping program.
- (2) copies of legal documents such as birth certificates, court dispositions, placement agreements;
- (3) a copy of the child's service plan which is kept current by the assigned staff and documentation of the efforts made by the camp designated staff person to enable the client to reach the agreed-upon goals;
- (4) results of all medical examinations, psychological examinations, and other essential information; and
- (5) a summary supporting the reasons for discharge or termination from the program.

(q) All information in the case record must be considered privileged and confidential and shall be released only when the parent or legal custodian has signed a consent to release information form.

(r) During the period of service for the child, the case record shall document service and educational experiences provided and the child's response, especially:

- (1) observations of response to individual goals and plans and individualized educational plan recorded with significant frequency to enable evaluation of their efficiency;
- (2) reports of the review, evaluation and change in the

individualized service plan and individualized education plan, which are to be done at least every three months;

- (3) summaries of parent conferences;
- (4) records of services provided, especially medical and dental services;
- (5) records of significant behavior incidents;
- (6) records of time away from camp; and
- (7) updates of any change in admission data.

(s) The camp shall make every effort to enhance and expand the family's relationship with the child, and to facilitate positive communication between them in accordance with the child's service plan.

(t) The camp shall provide conditions of reasonable privacy for planned visits and telephone contacts between the child and family, friends, and significant others.

(u) There must be a minimum of 2 counselors certified in Basic Rescue and Water Safety for each 10 children participating in any on property activity involving water, such as swimming, boating, canoeing, and rafting. Off property, the ratio shall be 3 counselors for each 10 children for trips of 24 hours or more. At least one counselor shall be certified in CPR by the American Red Cross.

(v) An itinerary shall be on file at camp for any activity for more than 24 hours that is off of camp property, which shall include names of those participating, daily schedule, listing of check-in points, routes to be taken, and telephone numbers of emergency resources along each route (sheriffs, hospitals, rescue squads).

Authority G.S. 131D-10.5.

.0104 FACILITIES

(a) All sleeping units must provide at least the following space:

- (1) 30 square feet per person;
- (2) 6 feet between heads of sleepers when beds are in a head to head configuration; and
- (3) 30 inches between sides of beds when beds are in a side by side configuration.

(b) All camper sleeping facilities shall be limited to one level structures.

(c) Any structure, sleeping or otherwise, with an occupancy of more than 12 persons, including staff, shall be provided with at least 2 separate and independent means of exit.

(d) Open flame lighting or use of combustible materials such as lamp oil or kerosene shall not be used in sleeping shelters for either lighting or heating.

(e) There shall be potable water available at each camp site.

(f) At each children's camp there shall be provided a minimum of:

- (1) 1 shower head for each 20 children;
- (2) 1 flush toilet for each 20 children;
- (3) 1 urinal for each 30 male children (urinals may not be substituted for flush toilets); and
- (4) 1 handwashing facility, adjacent to toilet facilities, for each 20 children.

(g) Laundry facilities or equipment shall be available at each

camp for all staff and children.

(h) Gasoline, kerosene, and other flammable materials shall be stored in covered safe containers plainly labeled as to content.

(i) All power tools, including mowers and trimmers, must have the necessary safety devices and be used according to manufacturer's instruction, maintained in good repair, and used only by those persons experienced in the safe use of power tools. When campers are using such equipment, a trained and responsible adult must be present. When not in use all power tools shall be stored in a locked place not occupied by children.

(j) Fire extinguishers must be available in all areas so designated by fire safety officials and shall be properly charged and have a current inspection label.

(k) Each permanent camp site must be annually inspected by the local health department and local fire marshal; and all violations must be corrected.

Authority G.S. 131D-10.5.

.0105 TRANSPORTATION

(a) Vehicles shall be driven only by those persons who have a valid driver's license.

(b) Open body or stake bed vehicles shall not be used to transport children outside the confines of the camp grounds.

(c) There must be at least 1 qualified staff member, other than the driver, in any vehicle transporting more than 9 individuals, including the driver.

(d) No more individuals may be transported in any automobile, bus, or van than there are seats in the vehicle.

(e) Children shall not be transported for more than 4 continuous hours without a minimum of a 1/2 hour rest stop.

(f) Children shall not be transported in a vehicle for more than 10 hours in any 24 hour period of time.

Authority G.S. 131D-10.5.

.0106 DAILY LIFE

(a) Emergency medical care must be provided by an on-call physician, nurse, emergency medical technician, or a person who is otherwise duly certified.

(b) All children's camps must be within 60 minutes of emergency medical treatment.

(c) The children's camp must have clearly defined, written disciplinary policies. These policies shall be directed at helping each child develop his own self control and assume responsibility for his own acts. Administration of discipline shall be an adult responsibility. No child or group of children shall be allowed to punish another child.

(d) Children must not be subjected to cruel, severe or excessive discipline including, but not limited to, physical abuse, verbal abuse, locked confinement, physical restraint, deprivation of food, of mail and of family visits and contacts.

(e) Children must have at least 3 meals available each day, plus nourishing snacks. The camp shall prepare written menus on at least a weekly basis. Such menus shall be on file for at least 12 months. When food services are not directed by a registered nutritionist or dietitian, the person who directs food services must obtain consultation from a registered nutritionist

or dietitian on an annual basis.

(f) ~~Children must have a daily change of clothing available, including socks, underwear, and outer clothing suitable to weather conditions.~~

(g) ~~Children must have the availability of being able to bathe at least once each day.~~

(h) ~~Each child must be required to brush his teeth at least once a day.~~

(i) ~~There must be a minimum of 1 counselor certified in first aid training for each 10 children participating in any organized activity, such as hiking, vehicular touring, swimming, canoeing, boating, and rafting.~~

Authority G.S. 131D-10.5.

.0107 EDUCATION

(a) ~~Each camp must provide an alternative education experience and the educational program shall comply with the appropriate requirements of the Department of Public Instruction; or, each camp must be registered as and meet the requirements for a non-public school.~~

(b) ~~Education in a camp setting must be experiential and shall be monitored and evaluated pursuant to either public or non-public school educational testing requirements to determine the child's achievement level.~~

Authority G.S. 131D-10.5.

SUBCHAPTER 41S - MINIMUM LICENSING STANDARDS FOR RESIDENTIAL CHILD CARE

SECTION .0100 - GENERAL LICENSING REQUIREMENTS

.0101 LICENSING ACTIONS

(a) License.

- (1) A license is issued when the Department of Health and Human Services determines that the residential child-care facility is in compliance with minimum licensing standards.
- (2) A license may remain in effect for one year.
- (3) A license is automatically provided a 90 day grace period at the expiration date of the license.
- (4) If licensure materials are submitted after the license expires, but within the 90 day grace period, a license may be issued for one year from the expiration date of the previous license.

(b) Changes in any information on the license.

- (1) A license may be changed during the period of time it is in effect if the change is in compliance with minimum licensing standards for residential child care facilities.
- (2) A license may not be changed during the 90 day grace period.
- (3) A residential child-care facility must notify the Children's Services Section in writing of its request for a change in license, including such information as is necessary to assure that the change is in compliance

with minimum licensing standards.

(c) Termination.

- (1) When a residential child-care facility voluntarily discontinues child caring operations, either temporarily or permanently, the Children's Services Section must be notified in writing of the date, reason and anticipated length of closing.
- (2) If a license is not renewed by the end of the 90 day grace period, the license is automatically terminated.

(d) Adverse Licensure Action.

- (1) Denial, suspension or revocation, of a license may occur when a residential child-care facility is not in compliance with minimum licensing standards and it is determined that compliance cannot be accomplished within established time limits.
- (2) The decision to deny, suspend or revoke a license is reached through administrative processes within the Department of Health and Human Services.
- (3) A residential child-care facility shall be notified in writing of the decision to deny, suspend or revoke a license.
- (4) Appeal procedures specified in 10 NCAC 41A .0007, WAIVER OF LICENSING RULES AND APPEAL PROCEDURES, are applicable for persons seeking an appeal to the Department's decision to deny, suspend or revoke a license.

Authority G.S. 131D-10.5; 143B-153.

.0102 LICENSING PROCESS

(a) Application. The application phase of the licensing process shall bring the persons applying to provide residential child care under the jurisdiction of the licensing statute and shall provide an opportunity for the applicant to explore and understand requirements.

- (1) Application for a license to operate a residential child care facility must be made to the Department of Health and Human Services, Division of Social Services, prior to the first child being accepted for full-time care.
- (2) Application for renewal of a license to operate a residential child care facility must be made to the Department of Health and Human Services, Division of Social Services, prior to the expiration of the current license.

(b) Investigatory Phase. During the investigatory phase, the Division of Social Services, Children's Services Section staff shall focus on obtaining knowledge of the proposed program and projected methods of operation. For proposed private and public residential child-care facilities, the Division of Social Services, Children's Services staff, together with those seeking licensure, shall be responsible for completing this phase. For agency residential child-care facilities, the supervising agency shall be responsible for completing this phase.

(c) Decision Regarding Licensure. All the required licensure materials must be received and reviewed relative to licensure standards, policies, and procedures by the Division of Social

Services, Children's Services Section staff prior to issuance of a license to operate.

Authority G.S. 131D-10.5; 143B-153.

SECTION .0200 - MINIMUM LICENSURE STANDARDS

.0201 DEFINITIONS

(a) Case Plan. A written document which describes the social and child welfare services and activities to be provided by the county department of social services in the Family Services Case Plan and/or other state and local agencies for the purpose of achieving a permanent family relationship for the child.

(b) Child Caring Institution. A residential child-care facility utilizing permanent buildings located on one site for 10 or more foster children. Exception can be made when no more than two group homes located on one site and licensed as meeting licensure regulations for group homes are operated by a county department of social services, county government or by a private agency licensed to provide residential child care or child placing services.

(c) Children's Foster Care Camp. A residential child-care facility which provides foster care at either a permanent camp site or in a wilderness setting.

(d) Direct Service Personnel. Staff responsible for the direct services provided to children and their families including, but not limited to, child care workers, residential counselors, house/teaching parents, social workers, recreation and education staff.

(e) Director. The person who is in charge of the agency and who is responsible for developing and supervising the program of residential child care and services.

(f) Emergency Shelter Care. Twenty-four hour care provided in a residential child care facility for a period not to exceed 90 days, in accordance with 10 NCAC 41T .0400.

(g) Family Time. Specific period arranged for a child who resides in a residential child care facility to spend with kin either on-site at or away from the residential child care facility.

(h) Foster Child. An individual less than 18 years of age who has not been emancipated under the provisions of Article 56 of G.S. 7A, or one who is 18 to 21 years of age and continues to reside in the residential child-care facility, who is dependent, neglected, abandoned, destitute, orphaned, delinquent, or otherwise in need of care away from home and not held in detention.

(i) Group Home. A residential child-care facility operated either under public or private auspices which receives for 24 hour care no more than nine children. This number includes the care givers' own relatives residing in the home under the ages of 18. The composition of the group shall include no more than two children under the age of two, four children under the age of six, and six children under the age of 12. A group home shall not provide day care, nor shall it be available to adults in the community who wish to rent rooms.

(j) Individualized Service Plan. A written document which describes a child's needs, goals and objectives in a residential child care facility and the direct services staff tasks and

assignments to meet a child's and family's needs, goals and objectives.

(k) License. Permission granted in writing to a corporation, agency or county government by the Department of Health and Human Services to engage in the provision of full time child care or child placing activities based upon an initial determination, and annually thereafter, that such corporation, agency, or a county government has met and complied with minimum standards set forth in this Subchapter.

(1) Full License. A full license is issued for one year when all minimum licensing requirements are met.

(2) Provisional License.

(A) A provisional license is issued for a maximum of six months enabling a facility to operate while some below standard component of the program is being corrected.

(B) A provisional license for the same below standard program component cannot be renewed.

(l) Private Residential Child-Care Facility: A residential child care facility under the control, management and supervision of a private non-profit or for-profit corporation, sole proprietorship or partnership which operates independently of a licensed child placing agency or any other residential child care facility. A residential child care facility under the auspices of a licensed child placing agency or another private residential child care facility shall be considered a private agency residential child care facility.

(m) Public residential child care facility. A residential child care facility under the control, management and supervision of a county government or county department of social services. A residential child care facility under the auspices of a county department of social services shall be considered a public agency residential child care facility.

(n) Visiting Resource. Volunteers from the community whose homes children visit on the weekends, holiday or vacations.

(o) Volunteer. Person working for an agency who is not paid.

Authority G.S. 131D-10.5; 143B-153.

.0202 RESPONSIBILITY TO LICENSING AUTHORITY

(a) The residential child-care facility shall annually submit to the licensing authority the required information and materials to document compliance and to support issuance of a license.

(b) The residential child-care facility shall submit to the licensing authority an annual statistical report of program activities.

(c) The residential child-care facility shall provide written notification to the licensing authority of a change in the director.

(d) The office of a residential child care facility shall be maintained within the geographical boundaries of North Carolina from which the activities carried out under the North Carolina license are handled.

(e) The current license of a residential child care facility shall be posted at all times in a conspicuous place within the facility.

(f) When there is a report alleging abuse or neglect in a residential child-care facility, the director or his designee shall immediately notify the licensing authority.

(g) The residential child-care facility shall submit to the licensing authority a report on the circumstances of the allegation and results of the investigation of the allegation of abuse or neglect. This report, along with other information, shall be reviewed and evaluated by the licensing authority and used in consultation and technical assistance to the residential child-care facility to improve services to protect children in placement in the residential child care facility.

(h) The residential child-care facility shall have and follow policies and procedures for handling any suspected incidents of child abuse or neglect involving staff. The policies and procedures must include:

- (1) A provision for reporting any allegations of abuse or neglect to the appropriate county department of social services for investigation in accordance with G.S. 7A-543.
- (2) A provision for recording any suspected incident of abuse or neglect and for promptly reporting it to the executive director or to the governing body or advisory board.
- (3) A provision for promptly notifying the licensing authority of any allegations of abuse or neglect of any child in care.
- (4) A provision for preventing a recurrence of the alleged incident pending investigation.
- (5) A provision for written notification to the licensing authority of any findings of such an investigation of child abuse or neglect, specifying only whether there was substantiation or unsubstantiation of the case.

Authority G.S. 131D-10.5; 143B-153.

.0203 SUBSTANTIATIONS OF NEGLECT AGAINST THE FACILITY

(a) When there is a substantiation of neglect against the residential child care facility, a corrective action plan shall be submitted by the director to the licensing authority Section within 30 days of the substantiated report.

(b) Following the receipt of the corrective action plan, licensure staff shall have the option to make one unannounced on-site visit to the facility within the 30 days following the receipt of the corrective action plan.

(c) Licensure staff shall have the option to make subsequent onsite visits at varying frequencies and times throughout the ensuing year to determine that the corrective actions have been implemented.

Authority G.S. 131D-10.5; 143B-153.

.0204 LICENSURE PROCEDURES

(a) Private Residential Child Care Facility Licensure Procedures.

- (1) The following materials shall be submitted to the Department of Health and Human Services during the application phase:

(A) Articles of Incorporation;

(B) Bylaws; and

(C) Governing board list with addresses, occupations and classes on the board, including officers and terms of officers, if applicable.

(2) The following materials shall be submitted to the Department of Health and Human Services during the investigatory phase before an initial license can be issued:

(A) License Application and Summary.

(B) Program policies and procedures stating the purpose, outlining admission criteria, as well as defining areas of responsibilities for services which the facility will assume for children in care and for services to be provided by the referring agency or individual, and discharge criteria.

(C) Description of the child care program and evaluation method.

(D) Program forms.

(E) Budget outlining anticipated costs and sources of revenue for the first year of operation.

(F) Personnel policies.

(G) Organizational chart.

(H) Job descriptions.

(I) Staff resumes.

(J) Full and part-time staff work schedules.

(K) Medical examinations on full and part-time direct-care personnel and any relatives in the home. The medical examinations must be completed by a licensed medical provider within six months prior to the license date.

(L) Fire and Building Safety Inspection Report (for fewer than seven residents, for seven to nine residents or 10 or more residents), completed and approved by the county building inspector or fire marshal.

(M) Inspection Form for Residential Care Facilities, completed and approved by the county sanitarian.

(N) Floor plan indicating room dimensions, usage of each room, window and door locations and sizes and method of heating.

(O) Written approval from the Division of Facility Services for a design capacity of seven to nine residents or 10 or more residents.

(3) Department of Health and Human Services staff shall make one or more visits to the residential child care facility to complete the licensing study.

(4) Based on information obtained during the investigatory phase, Department of Health and Human Services staff shall evaluate the residential child care facility's proposed program and methods of operation to determine compliance with minimum licensure standards for residential child care facilities.

(5) Department of Health and Human Services staff shall notify the residential child-care facility in writing of the licensure decision, conditions of the license and

any recommendations regarding the child care program.

(b) Licensure Procedures for Private Agency, Public Agency and Public Residential Child Care Facilities

(1) The following materials shall be submitted to the Department of Health and Human Services before a license can be issued:

- (A) License Application and Summary.**
- (B) Program policies and procedures stating purpose, outlining admission criteria, as well as defining areas of responsibilities and discharge criteria.**
- (C) Description of the child care program and evaluation method.**
- (D) Program forms.**
- (E) Budget outlining anticipated costs and sources of revenue for the first year of operation.**
- (F) Job descriptions.**
- (G) Staff resumes.**
- (H) Full and part-time staff work schedules.**
- (I) Medical examinations on full and part-time direct care personnel and any relatives in the home. The medical reports must be completed by a licensed medical provider within six months prior to the license date.**
- (J) Fire and Building Safety Inspection Report (for fewer than seven residents, seven to nine residents, or 10 or more residents), completed and approved by the county building inspector or fire marshal.**
- (K) Inspection Form for Residential Care Facilities, completed and approved by the county sanitarian.**
- (L) Floor plan indicating room dimensions, usage of each room, window and door locations and sizes and method of heating.**
- (M) Written approval from the Division of Facility Services for a design capacity of seven to nine residents or 10 or more residents.**

(2) Department of Health and Human Services staff shall notify the residential child-care facility in writing of the licensure decision, conditions of the license, and any recommendations regarding the child care program.

(c) Licensure Procedures Following First Year of Operation.

(1) Prior to the license expiration date, the Department of Health and Human Services shall notify the residential child care facility in writing of the licensure renewal requirements.

(2) The following materials shall submitted to the Department of Health and Human Services before a license for a residential child care facility can be renewed:

- (A) License Application and Summary.**
- (B) Governing board list, with addresses, occupations and classes on the board, officers and terms of office, if applicable.**
- (C) Budget outlining anticipated costs and sources**

of revenue of the next operating year, with estimation of daily cost of care per child for past year.

- (D) Annual Information Report on Children.**
- (E) Biennial medical reports on full and part-time direct care personnel staff and any relatives in the facility. These physicals must be completed by a licensed medical provider.**
- (F) Health Questionnaire on the year when the physical examination is not required.**
- (G) Fire and Building Safety Inspection Report (for fewer than seven residents, seven to nine residents, or 10 or more residents), completed and approved by the county building inspector or fire marshal.**
- (H) Inspection Form for Residential Care Facilities, completed and approved by the county sanitarian.**
- (I) Updated or revised materials to include, but not limited to, policies, procedures, forms, or amendments to Bylaws or Articles.**
- (J) Independent annual financial audit, if a private residential child care facility.**

(3) With the exception of residential child care facilities which are accredited by the Council on Accreditation, the Department of Health and Human Services staff shall annually conduct onsite visits to private residential child-care facilities and conduct desk reviews of the licensure materials of a private agency, public agency or public residential child care facilities to determine if minimum licensure standards for residential child care facilities continue to be met.

(4) For residential child care facilities which are accredited by the Council on Accreditation, Department of Health and Human Services staff shall conduct onsite visits to these residential child care facilities Department of Health and Human Services and the Council on Accreditation.

Authority G.S. 131D-10.5; 143B-153.

SECTION .0300 - ORGANIZATION AND ADMINISTRATION

.0301 GOVERNANCE

(a) Charter: A private residential child care facility shall operate under a charter of incorporation filed with the Department of the Secretary of State. The charter shall have a statement of purpose which describes the geographic area to be served, kinds of children to be admitted, and the range of services to be provided, an official copy of which shall be submitted to the licensing authority.

(b) Governing Body: A private residential child care facility shall have a governing body which exercises authority over and has responsibility for its operation, policies and practices.

(1) The governing body shall be:

- (A) a board of directors in the case of a non-profit or for-profit corporation;**

- (B) commissioners or appointed officials of a governmental unit;
- (C) a proprietor in case of a sole proprietorship; or
- (D) partners in case of a partnership.
- (2) In the case of a non-profit or for-profit corporations, the governing body shall:
 - (A) be composed of no fewer than six members to include men and women with varying abilities, experience, and cultural backgrounds;
 - (B) provide for a system of rotation for board members, for limitation to the number of consecutive terms a member may serve;
 - (C) establish standing committees;
 - (D) provide orientation for new members; and
 - (E) meet at least twice annually.
- (3) The governing body or executive committee shall meet at least quarterly with a quorum present.

Authority G.S. 131D-10.5; 143B-153.

.0302 RESPONSIBILITIES OF THE GOVERNING BODY

The governing body shall:

- (1) adopt administrative, personnel, and program policies which are reviewed at least every two years;
- (2) review and approve a budget prior to the beginning of the fiscal year;
- (3) establish and periodically review policies on fundraising and investment management and obtain professional assistance and consultation as needed;
- (4) annually review and formally accept the financial audit;
- (5) employ a chief executive officer (director, executive director, president, superintendent) and delegate authority to that person to employ and dismiss staff, implement board policies, and manage day-to-day operation of the facility;
- (6) permit the chief executive officer or designee to attend all meetings of the governing body and committees with the exception of those held for the purpose of reviewing his performance, status, or compensation;
- (7) annually evaluate and document the chief executive's performance through specific criteria and objectives;
- (8) initiate and review an annual evaluation of services and direct needed changes based on the evaluation;
- (9) annually review facility needs related to risk management; and
- (10) maintain a long range plan and review annually.

Authority G.S. 131D-10.5; 143B-153.

.0303 FINANCES

- (a) Fiscal Management: The chief executive officer shall:
 - (1) implement sound financial practices in order to prepare and periodically review the budget, and to be accountable to the community; and
 - (2) report to the governing body at least quarterly or more

frequently, as requested, on present financial status and anticipated problems.

The residential child care facility shall:

- (A) have a sound plan of financing which assures sufficient funds to enable it to carry out its defined purposes and provide proper care and services for children;
- (B) develop adequate resources and manage them prudently in order to obtain the revenues that support its programs and prevent the interruption of needed care and services to clients
- (C) have a written budget concerning income and expenditures which serves as the plan for management of its financial resources for the program year;
- (D) annually analyze the comprehensive unit cost of providing each service to monitor trends, reflect current experience, use in contracting, billing, and establishing a fee schedule, if a fee schedule is utilized.

(b) Audit:

- (1) An audit of the residential child care facility's financial statements shall be performed annually by an independent accountant approved by the governing body or by the appropriate governmental auditing authority.
- (2) A copy of the annual audit shall be submitted to the licensure authority.

Authority G.S. 131D-10.5; 143B-153.

.0304 INTERNAL OPERATING PROCEDURES

The residential child care facility shall adopt and annually review operating procedures for each administrative and program area in order to effectively carry out its policies and shall make the internal operating procedures available to clients, families, and legal custodians.

Authority G.S. 131D-10.5; 143B-153.

.0305 RECORDKEEPING AND REPORTING

- (a) The residential child care facility's policy on confidentiality shall:
 - (1) identify the individuals with access to or control over confidential information;
 - (2) specify that persons who have access to records be limited to the client, the parent or legal custodian when the client is a minor, and other authorized personnel. These persons shall include auditing, licensing, or accrediting personnel or those persons for whom the agency has obtained a signed consent for release of confidential information. An exception shall be made in the case of an investigation of child abuse or neglect by a county department of social services; and
 - (3) require that when client information is disclosed a signed consent for release of information is obtained

on a consent for release form.

(b) The residential child care facility shall:

- (1) provide a secure place for the storage of records with confidential information;
- (2) inform employees, students, volunteers and other individuals with access to confidential information of the provisions of these regulations;
- (3) ensure that, upon employment and whenever revisions are made, staff sign a compliance statement which indicates an understanding of the requirements of confidentiality;
- (4) unless harmful, permit children to review their case records in the presence of facility professional personnel on the facility premises, in a manner that protects the confidentiality of other family members or other individuals referenced in the record;
- (5) in cases of perceived harm to the child, document in writing any refusals to share information with the child, parent or legal custodian;
- (6) maintain a confidential case record for each child;
- (7) maintain confidential personnel records for all employees;
- (8) maintain confidential records for all volunteers; and
- (9) destroy in office a closed record in which a child has been discharged for a period of three years or destroy in office a record three years after a child has reached age 18, unless included in a federal fiscal and/or program audit that is unresolved, then destroy in office when released from all audits.

Authority G.S. 131D-10.5; 143B-153.

.0306 CLIENT RIGHTS

(a) The residential child care facility shall develop and implement policies and procedures to protect the individual rights and dignity of children and families.

(b) The residential child care facility shall have a client's and families' rights policy which includes that each child has the right to:

- (1) privacy;
- (2) be provided adequate food, clothing, and shelter;
- (3) have access to family time and have telephone conversations with family members, when not contraindicated in the child's intervention plan or individualized service plan;
- (4) have personal property and a space for storage;
- (5) express opinions on issues concerning the child's care or treatment;
- (6) receive care in a manner that recognizes variations in cultural values and traditions;
- (7) be free from coercion with regard to religious decisions. The facility shall have a process to assure that, whenever practical, the wishes of the parents with regard to a child's religious participation are ascertained and followed;
- (8) not be identified in connection with publicity for the facility which shall bring the child or the child's family embarrassment; and

(9) not be forced to acknowledge in public dependency on or gratitude to the facility.

(c) The residential child care facility shall have a policy which prohibits direct involvement by a child in funds solicitation for the facility.

(d) The residential child care facility shall have a policy which prohibits the child's participation in any activities involving audio or visual recording and research without the voluntary signed, time-limited consent of the child and the child's legal custodian.

Authority G.S. 131D-10.5; 143B-153.

.0307 GRIEVANCE PROCEDURES

(a) The residential child care facility shall provide to each child and parents or legal custodian, upon admission:

- (1) a written description of policies and procedures which the child and his parent(s) or legal custodian follow to register complaints;
- (2) information about client rights;
- (3) the process for appealing a decision or action of the facility; and
- (4) the process for resolution of a complaint.

(b) Upon resolution of a grievance, the residential child care facility shall maintain a copy of the complaint and the resolution in the case record.

Authority G.S. 131D-10.5; 143B-153.

SECTION .0400 - PERSONNEL

.0401 PERSONNEL POLICIES

The residential child care facility shall have written personnel policies and procedures which shall be provided to all employees. Revisions of all personnel policies shall be in writing and provided to employees on a timely basis. Policies and procedures shall address the following areas:

- (1) Recruitment and hiring;
- (2) Compensation structure and benefits;
- (3) Orientation plan for new employees;
- (4) Training and staff development;
- (5) Regulations regarding use of equipment and assets;
- (6) Notification of work schedule;
- (7) Description of leave policy, including time-off duty for disciplinary actions for direct care staff;
- (8) Termination;
- (9) Operational procedures regarding grievances which provide the opportunity and means to lodge complaints and appeals;
- (10) Description of the process for revision of personnel policies;
- (11) Annual evaluations;
- (12) Staff quarters and searches; and
- (13) Disciplinary measures.

Authority G.S. 131D-10.5; 143B-153.

.0402 PERSONNEL DEPLOYMENT

The residential child care facility shall ensure that the deployment of personnel supports the stated mission of the facility.

- (1) Job descriptions: There shall be a written job description for each position, which includes duties, responsibilities, qualifications, and to whom the position is responsible. Job descriptions shall be consistent with duties being performed.
- (2) The residential child care facility shall have procedures for annual evaluation of the work performance of each employee which provides for employee participation in the process.
- (3) The residential child care facility shall have an organizational plan which delineates the number of staff and levels of supervisors/managers, taking into account the complexity and size of the workload of each staff. The plan must demonstrate adequate supervision of staff.

Authority G.S. 131D-10.5; 143B-153.

.0403 PERSONNEL FILE

The residential child care facility shall maintain a personnel file for each employee which includes the following:

- (1) The application for employment including the record of previous employment;
- (2) Documentation of at least two references and a criminal record check;
- (3) Medical information required for each staff by licensure standards;
- (4) Signed confidentiality agreement if applicable;
- (5) Position specific credentials/certifications;
- (6) Record of completed orientation and ongoing staff development;
- (7) Annual performance evaluations;
- (8) Documentation of disciplinary actions;
- (9) Documentation of grievances filed;
- (10) Employee's starting and termination dates;
- (11) Reason for termination;
- (12) Signed and dated release or notation of employee's waiver of release for future employment references; and
- (13) Documentation of a driving record check, if applicable.

Authority G.S. 131D-10.5; 143B-153.

.0404 PERSONNEL QUALIFICATIONS

(a) Criminal Records Check. Applicants, employees or volunteers who have a history of criminal convictions that would adversely affect their capacity and ability to provide care, safety and security for the children in residence shall not be permitted to provide direct child care. A signed statement shall be obtained attesting that the applicant, employee or volunteer does not have such a record prior to providing direct child care.

(b) Child Abuse. Employees or volunteers who have a criminal conviction of child abuse shall not be permitted to provide direct child care.

(c) Driver's License. Employees or volunteers driving a residential child care facility vehicle must possess a valid driver's license appropriate for the type of vehicle used.

Authority G.S. 131D-10.5; 143B-153.

.0405 PERSONNEL POSITIONS

(a) Director. There shall be a full time director for an agency with one or more facilities licensed for 20 or more children. At a minimum, there shall be a part-time director for an agency with one or more facilities licensed for less than 20 children.

(1) Qualifications. A director shall have management skills that enable the effective utilization of the residential child care facility's human and financial resources and the coordination of the facility's services with those provided by other community resources.

(2) Responsibilities and functions. The director shall:

- (A) Be responsible for the general management and administration of the residential child care facility in accordance with licensing requirements and policies established by the governing board;
- (B) Interpret licensing standards, established child care standards and the residential child care facility's services to the board, the facility's constituency, other human service agencies and the public;
- (C) Initiate and carry out the program of residential child care as approved by the governing board;
- (D) Report to the governing board on all phases of operation at least quarterly;
- (E) Delegate authority and responsibility to qualified staff to ensure the maintenance of the residential child care facility operations;
- (F) Establish and oversee fiscal practices, present the annual operating budget and quarterly reports to the governing board;
- (G) Evaluate, at least annually, the training needs of the staff; plan and implement staff training and consultation to address identified needs;
- (H) Employ and discharge staff and meet on a regular basis with administrative and management staff to review, discuss and formulate policies and procedures; and
- (I) Supervise all staff responsible to the director's position and conduct an annual written evaluation which shall contain both a review of job responsibilities and goals for future job performance.

(b) Clerical, Maintenance and Other Support Personnel. The residential child care facility shall employ or contract qualified personnel to perform all clerical, support and maintenance duties.

(c) Business and Financial Personnel. The residential child care facility shall employ or contract personnel to perform all business, accounting and financial functions.

(d) Direct Service Personnel.

- (1) Qualifications. Direct service personnel, hired after the effective date of these Rules, shall:
 - (A) Be at least 21 years of age;
 - (B) Have a high school diploma or have a comparable educational certificate;
 - (C) Have education or experience to meet the responsibilities of the job;
 - (D) Have a physical examination by a licensed medical provider prior to assuming the position and biennially thereafter. This examination shall include a TB test, unless the medical provider advises against this test. This examination shall include a statement indicating the presence of any communicable disease which may pose a significant risk of transmission in the residential child care facility. After the initial examination, the cost of the physical examinations as required by licensure shall be at the expense of the facility.
- (2) Standards for direct service personnel in the living unit:
 - (A) There shall be at least one direct service personnel assigned to every 10 children 6 years of age and older and at least one direct care personnel assigned for every 5 children younger than 6 years of age. Supervisory personnel within voice range shall be allowed to be included in the child to staff ratio;
 - (B) There shall be provided qualified, adequate supervision and training in the areas of, but not limited to, first aid & CPR, child development, permanency planning methodology, group management, preferred discipline techniques, family relationships, human sexuality, health care and socialization, leisure time and recreation. In addition, there shall be special training provided appropriate to the needs of the client population, including but not limited to, training in child sexual abuse;
 - (C) There shall be qualified and adequate supervision of food preparation and nutrition when meals are prepared in the living unit; and
 - (D) Other duties shall be specified in writing and assigned in accordance with any specialized services of the program.
- (3) Standards for supervisory personnel:
 - (A) There shall be at least one supervisor for every 15 direct service personnel.
 - (B) Supervisory staff shall be selected on the basis of the knowledge, experience and competence required to manage direct service personnel.
- (4) Standards for other direct service personnel: For residential child care facilities that employ staff as social workers, the following applies:
 - (A) There shall be at least one social worker assigned for every 16 children and, for every six social workers, at least one supervisor shall

be assigned;

- (B) There shall be provided qualified and adequate supervision and training in the areas of, but not limited to, child development, permanency planning methodology, group dynamics, family systems and relationships, and child sexual abuse;
- (C) There shall be familiarity with community resources for children and their families in addition to the agency's in-care services; and
- (D) Other duties shall be specified in writing and assigned in accordance with any specialized services of the program.

Authority: G.S. 131D-10.5; 143B-153.

.0406 AUXILIARY SERVICES PERSONNEL

The residential child care facility shall have available auxiliary services provided by contract to supplement the program of care. These service providers may include, but are not limited to, consultants, contracted services for the program of care, maintenance of the facility, and interns or students.

- (1) Consultants shall be qualified practitioners who are recognized by applicable degrees, organizations and appropriate licensing boards. If the residential child care facility contracts with consultants, the facility shall document the consultants' credentials.
- (2) Paid consultants shall not be in conflict of interest with the residential child care facility in fact or appearance. They shall have no direct or indirect financial interest in the assets, transactions or services of the agency.
- (3) Interns or students shall meet all of the requirements stipulated for the position in which they are serving with the exception of completed education and experience. There shall be a written agreement between the placing educational institution and the residential child care facility specifying responsibilities and supervision of the intern or student.

Authority: G.S. 131D-10.5; 143B-153.

.0407 VOLUNTEERS

The residential child care facility shall have a written description of the specific responsibilities and the provision of supervision of all volunteers. Volunteers shall:

- (1) Meet the personnel qualifications specified in 10 NCAC 41S .0404.
- (2) Meet the qualifications and implement the duties of the position as specified.
- (3) Be provided sufficient orientation, training and supervision to enable knowledge of the facility's purpose and services, the needs of children and families served and the role and responsibilities to be assumed.
- (4) Provide two references relevant to the role and responsibilities to be assumed.

- (5) Agree in writing to abide by the confidentiality policies of the agency.

Authority G.S. 131D-10.5; 143B-153.

SECTION .0500 - SERVICE PLANNING

.0501 ADMISSION POLICIES

(a) The residential child care facility shall have written admission policies which clearly define and describe the age, sex and type of child to be served.

(b) The residential child care facility shall limit admissions to children who need out of home care apart from their families and for whom the facility is qualified by staff, program, buildings and services to give appropriate care.

(c) In the case of private referrals, the residential child care facility shall:

- (1) document reasonable efforts to prevent placement;
- (2) establish that the facility provides the least restrictive setting for the child;
- (3) develop and implement a case plan with the child's family for reunification, when possible.

(d) In the case of out of state referrals, the residential child care facility shall not admit a child without ICPC approval.

(e) The residential child care facility shall provide the applicant a handbook of admission procedures which includes:

- (1) a description of the admissions process;
- (2) the application; including any fees for services;
- (3) the preplacement activities for the child, his parent(s), guardian, or legal custodian; and
- (4) an explanation of the group assignment method.

(f) The residential child care facility shall maintain a referral log which includes:

- (1) child's name, age, sex, and race;
- (2) legal custodian; and
- (3) disposition of admission.

Authority G.S. 131D-10.5; 143B-153.

.0502 ADMISSION PROCEDURES

(a) The residential child care facility shall establish and implement an intake process which includes:

- (1) receipt of an application and a face-to-face interview with the child, legal custodian, and family whenever possible, with a specific effort to help the child understand the purpose of and need for out of home care and residential services;
- (2) an exchange of information about the facility's program and the child's needs, and to provide written information required in 10 NCAC 41S .0307(a) and 10 NCAC 41S .0504(a)(5).

(b) A written intake study shall be completed for each child accepted into residential care which includes:

- (1) circumstances that led to the need for placement, and the child's understanding of the placement;
- (2) assessment of family issues and justification that the facility meets the needs of the child and family;
- (3) short term placement goals and long range permanent

plan, including the parent(s)/legal custodian's expectations;

- (4) description of the child's family and significant others;
- (5) description of the child's behavior;
- (6) child specific information, including:
 - (A) medical history, including any current medical problems;
 - (B) developmental history and current level of functioning;
 - (C) educational history, if applicable; and
 - (D) the results of current psychological testing, if applicable.

Authority G.S. 131D-10.5; 143B-153.

.0503 ADMISSION AGREEMENT

(a) At admission, the residential child care facility must develop a written agreement between the parents or legal custodian and the facility which specifies the services to be provided by the facility and the responsibilities of the parents or legal custodian which includes the following:

- (1) statement of consent for placement by the parents or legal custodian, with the date of admission;
- (2) plan for providing admission information on the child's care, developmental, educational, medical, and psychological needs to the parent(s) or legal custodian, the frequency of service plan reviews, and receipt of program information required by 10 NCAC 41S .0307(a) and 10 NCAC 41S .0504(a)(5);
- (3) statement of facility responsibility for working with the child's parents;
- (4) statement related to the provision of religious training and practices and consent to these by the parents or legal custodian;
- (5) plan for family time;
- (6) fees and plan for payment of care;
- (7) plan for discharge to include projected length of stay; and
- (8) statement of facility responsibility for aftercare services.

(b) For youths 18 years of age and older residing in the residential child care facility, the facility shall obtain a voluntary placement consent signed by the youth which specifies the conditions for continued residential care and services.

Authority G.S. 131D-10.5; 143B-153.

.0504 ORIENTATION

(a) The residential child care facility shall provide information and discuss the program policies governing the residential care and services of children with the child's parents or legal custodian and the child at or before admission, which include:

- (1) family time, mail, gifts, personal possessions, money, and telephone calls and restrictions which may be imposed on these;
- (2) discipline and behavior management, including the use of searches of children's rooms and possessions;

- (3) program of religious training and practices;
- (4) educational resources;
- (5) trips away from the facility;
- (6) use of volunteers or visiting families, if any;
- (7) physical restraint practices;
- (8) client rights and grievance procedures; and
- (9) daily and seasonal schedules.

(b) The residential child care facility shall obtain the case plan from the county department of social services at or before admission, when the county department of social services is the legal custodian. In the case of a private placement, the facility shall combine the case plan and the individualized service plan.

(c) The residential child care facility shall develop a written individualized service plan for each child within 30 days of admission. This plan shall be reviewed initially within 60 days, the second review shall be within 90 days of the initial review and the third and subsequent reviews shall be held every six months, inviting parents, the legal custodian, if different, the child, as well as any individual or agency designated as providing service to participate.

(d) The individualized service plan shall be developed utilizing information from an assessment of the child's and family's needs and include goals based on normal developmental tasks and needs. The goals and objectives shall be based on identified issues, be behaviorally specific, time limited and measurable and include staff assignments and specific strategies to be taken to meet the goals in the following areas:

- (1) special interests and personal goals;
- (2) intellectual, academic and/or vocational;
- (3) psychological and emotional;
- (4) physical;
- (5) social and family relationships;
- (6) cultural and spiritual; and
- (7) basic living skills.

(e) A family time plan shall be part of the individualized service plan for each child.

(f) A written discharge plan shall be part of the individual service plan for each child.

(g) Direct care staff shall be informed about the child's initial individualized service plan and shall participate and/or provide input at the reviews as described in 10 NCAC 41S .0504(c).

(h) A copy of the child's individualized service plan shall be provided to the parent(s) or legal custodian. When appropriate, the child's individualized plan shall be provided to the individuals listed as providing service. An age appropriate version of the individualized service plan shall be written and provided to each child.

(i) The child's individualized service plan review shall include:

- (1) an evaluation of progress towards meeting identified needs;
- (2) any new needs identified since the child's individualized service plan was developed or last reviewed and behaviorally-specific strategies to meet these needs, including instructions to staff;
- (3) an update of the estimated length of stay and discharge plan; and
- (4) signatures of the persons participating in the review.

Authority G.S. 131D-10.5; 143B-153.

.0505 DISCHARGE POLICIES AND PROCEDURES

The residential child care facility shall have written discharge policies that will establish the guidelines for terminating the facility's residential care and services to the child and family to include the following:

- (1) opportunity for the parent(s) or legal custodian to be informed and have opportunity to discuss the decision to discharge the child;
- (2) designation of a timeframe for the child to be discharged which allows sufficient time for the child and facility to prepare for departure and for arrangements to be made for the child's care;
- (3) discharge of a child under 18 years of age only to the legal custodian;
- (4) completion of a summary within 30 days of discharge, which includes the following:
 - (a) date and circumstances of discharge;
 - (b) name, address and telephone number of the legal custodian to whom the child shall be discharged;
 - (c) services provided and evaluation;
 - (d) recommendations for needed services; and
 - (e) provision of or referral for after care services.
- (5) Upon a child's departure, the residential child care facility shall provide a copy of the child's educational, medical and dental records, clinical materials (as available) and other related materials, as appropriate, to the parent(s) or legal custodian;
- (6) Upon a child's departure, the residential child care facility shall send all personal clothing and belongings with the child.

Authority G.S. 131D-10.5; 143B-153.

.0506 CLIENT RECORDS

(a) The residential child care facility shall maintain a client record for each child which contains the following:

- (1) documentation of placement authority by legal custodian;
- (2) completed application for services;
- (3) written placement consent and agreement;
- (4) intake study and related documents;
- (5) documentation that verifies the child's birth;
- (6) pre-admission physical examinations;
- (7) immunization records;
- (8) intervention plan and reviews;
- (9) written service plan and review;
- (10) documentation of all family time, including duration, location both onsite and off-site, and frequency, as well as any rationale for restrictions on family involvement;
- (11) consents for release of information;
- (12) consent for emergency medical treatment;
- (13) consents for field trips;
- (14) ongoing record of medical and dental care;
- (15) documentation of medical insurance;

(16) physical restraint and incident reports; and

(17) discharge summary.

(b) The residential child care facility shall maintain client records for the purpose of:

(1) protecting the legal rights of the child, the parents and legal custodian, and the facility;

(2) documenting service provision to the child and family, including an evaluation of effectiveness of services provided; and

(3) providing a source of information about individual children, as well as information for the facility in planning its program of care and services.

(c) Staff entries in client records shall be dated, initialed or signed.

Authority G.S. 131D-10.5; 143B-153.

SECTION .0600 - SERVICE DELIVERY

.0601 PROGRAM POLICIES AND PRACTICES

(a) The residential child care facility shall have a written program description and written program policies and procedures.

(b) The residential child care facility shall design a program to provide opportunities for positive learning experiences and to meet the needs of children and families.

(c) The residential child care facility shall provide a daily schedule of activities to meet the needs of children, which allows time for privacy and individual pursuits.

(d) The residential child care facility shall consider each child an unique individual, providing opportunities which take into consideration each child's ethnic and cultural backgrounds.

(e) The residential child care facility shall give each child individual attention and nurturing.

(f) The residential child care facility shall provide each child with the opportunity to have interaction with adults and children of both sexes.

(g) The residential child care facility shall instruct and supervise each child in personal care, hygiene, and grooming appropriate for the age, sex, race and developmental capacity of the child.

(h) The residential child care facility shall ensure that each child has normal contacts in the community in which the facility is located through participation in events such as, but not limited to, school functions, recreational facilities, church youth groups, part-time paid employment, community service and volunteer work. An exception shall be made when community contact is inconsistent with the program design.

(i) The residential child care facility shall encourage each child to form friendships with children outside the facility, to visit friends in the community, and have their friends visit them at the facility. An exception shall be made when contact with friends is inconsistent with the program design or service plan.

(j) The residential child care facility shall provide residents with access to telephones to maintain contact with friends and family members.

(k) The residential child care facility shall maintain a log of children in residence which includes:

(1) child's name, age, sex and race;

(2) name of legal custodian; and

(3) dates of admission and discharge.

Authority G.S. 131D-10.5; 143B-153.

.0602 FAMILY INVOLVEMENT

(a) The residential child care facility shall have written policies and procedures regarding family involvement which support and encourage families to participate in planning, communication and family time.

(b) Family involvement shall include:

(1) Planning. The facility shall allow family members opportunities to participate in planning events for their child and themselves.

(2) Communication. The facility shall allow children to send and receive unopened mail and to have telephone conversations with parent(s) or other family members. An exception shall be made if it is determined that the child's best interest, individualized service plan or a court order necessitates restrictions.

(3) Family Time. The facility shall allow children and family members the opportunity for family time, based on the purpose of placement and in support of the child's goals.

Authority G.S. 131D-10.5; 143B-153.

.0603 VISITING RESOURCES

(a) The residential child care facility shall have written policies and procedures regarding visiting resources, which include that:

(1) no financial support shall be paid to the visiting resource;

(2) written consent shall be obtained from each child and each legal custodian prior to a visit;

(3) resources, support and supervision shall be provided to ensure the needs of the child are met during the visit;

(4) responsibility for the child during visits with the visiting resource shall be retained by the facility;

(5) the child's interests, needs, and welfare as identified in the child's individualized service plan shall be assessed by the facility in determining a visiting resource;

(6) prior to an overnight visit, visits between the visiting resource and the child shall be arranged to occur both at the agency and at the home of the visiting resource; and

(7) orientation to foster care, training on the types of children served and information on the child for whom they will be providing care shall be provided.

(b) The residential child care facility shall conduct an initial assessment of each visiting resource and subsequent annual assessments, which include:

(1) a home visit to ensure the building is safe and in good repair;

(2) a completed application;

- (3) a brief social history, including an evaluation of parenting skills and abilities;
- (4) an agreement signed between the visiting resource and the facility, which specifies the responsibilities of each;
- (5) three references affirming the visiting resource's parenting skills and abilities;
- (6) local criminal record checks on adult members residing in the home; and
- (7) documentation that the visiting resource's residence is located within a 50 mile radius of the facility or of the reason the visiting resource is beyond the 50 mile radius.

Authority G.S. 131D-10.5; 143B-153.

.0604 HEALTH SERVICES

Medical Program.

- (1) Medical Requirements for Admission.
 - (a) No child shall be accepted into a residential child care facility without having had a physical examination within six months prior to admission, which shall include a signed statement by a licensed medical provider specifying the child's medical condition and medications prescribed and indicating the presence of any communicable disease which may pose a significant risk of transmission in the facility. If a child is in the custody of a department of social services, is already scheduled to have and is having a physical completed annually, and is entering a facility, the schedule of annual physicals shall not be changed. A copy of the most recent physical shall be obtained from the responsible department of social services by the facility.
 - (b) A child admitted to a residential child care facility shall be immunized against diphtheria, tetanus, whooping cough, poliomyelitis, red measles (rubeola), rubella, mumps, and any other disease as required by 15A NCAC 19A .0400, as age appropriate, prior to admission. Documentation of immunizations shall be obtained. A copy of 15A NCAC 19A .0400 may be obtained from the Office of Administrative Hearings, PO Drawer 27447, Raleigh, North Carolina, (919) 733-2678, at a cost of two dollars and fifty cents (\$2.50) at the time of adoption of this Rule.
- (2) Routine Medical Care.
 - (a) Arrangements shall be made with one or more licensed medical providers or medical clinics and with at least one dentist for the care of the children.
 - (b) Each child shall have a physical examination at least once a year and more often as needed. A child shall not be allowed to participate in activities that pose unreasonable risk to his

health. Any illness, disease or medical condition of a child shall be identified and treated promptly through proper medical care. Children shall have a psychiatric or psychological examination or both when indicated and treatment when indicated.

- (c) Children must have had a dental examination, by a licensed dentist, within one year prior to admission or arrangements must be made for an exam within six weeks after admission and annually thereafter. The facility shall document dental services in the child's record.
- (d) Direct child care staff shall be instructed on medical care which may be given by them without specific orders from a licensed medical provider. Direct child care staff shall be instructed in the procedures for obtaining medical care beyond home health care and handling medical emergencies.
- (3) Hospital Care. The residential child care facility shall arrange with a hospital for the admission of children from the facility in the event of serious illness or emergency.
- (4) First Aid.
 - (a) The residential child care facility shall obtain a mouthpiece, utilize universal precautions and other precautionary equipment for administering CPR for the children in residence.
 - (b) The residential child care facility shall ensure that first aid kits are available for immediate use in each living unit, recreation area and in vehicles used to transport children.
- (5) On-Site Health Care.
 - (a) The residential child care facility shall not engage in any home health care practices that conflict with the control measures for communicable diseases in 15A NCAC 19A .0200. A copy of 15A NCAC 19A .0200 may be obtained from the Office of Administrative Hearings, PO Drawer 27447, Raleigh, North Carolina, (919) 733-2678, at a cost of two dollars and fifty cents (\$2.50) at the time of adoption of this Rule.
 - (b) Direct child care staff shall be able to recognize common symptoms of illnesses in children and be alert to any infectious condition and take proper precautions to prevent the spread of such a condition.
 - (c) Direct child care staff shall be able to provide home health care. A thermometer shall be kept available for use. When there is risk of transmission, arrangements shall be made for isolation and attendant care of a child with a communicable disease.
 - (d) Prescription medications shall be administered only when approved by a licensed medical provider.

- (e) All medicines, prescription and non prescription, shall be stored in a locked cabinet, closet or box not accessible to children.
- (6) Medical Records. Each child shall have a medical record which contains:
 - (a) Written consent from the legal custodian or parent authorizing routine medical and dental treatment and emergency treatment.
 - (b) A medication log which documents all medications dispensed.
 - (c) The preadmission physical examination, immunization records, and records of ongoing medical and dental care and examinations received, including but not limited to hospitalizations, significant illnesses or accidents and treatment provided.

Authority G.S. 131D-10.5; 143B-153.

.0605 ROUTINE ASPECTS OF HEALTH, PERSONAL HYGIENE, AND SAFETY

- (a) Infection Control. Staff shall receive training in and routinely apply general infection control measures and procedures which shall include, but are not limited to, Universal Precautions specified by the Centers on Disease Control, U.S. Department of Health and Human Services, Public Health Services, Atlanta, Georgia. A copy of general infection control procedures may be obtained from National Technical Information Services, 5285 Part Royal Road, Springfield, Virginia, 22161, (703) 487-4650, at a cost of seven dollars (\$7.00) at the time of the adoption of this Rule.
- (b) Sleep. Each child in a residential child care facility shall have enough sleep for his age at regular and reasonable hours and under conditions conducive to rest.
- (c) Hygiene. Children shall be taught and helped to keep themselves clean. They shall receive training in all aspects of personal hygiene.
- (d) Toilet Articles.
 - (1) Each child shall have his own toothbrush, comb, towel and wash cloth and his own separate place for keeping these personal articles.
 - (2) Towels, wash cloths, and bed linens shall be changed weekly or more often as required by good hygiene.

Authority G.S. 131D-10.5; 143B-153.

.0606 NUTRITION

- (a) Meals served must meet nutritional requirements as advised by the National Research Council (Recommended Daily Dietary Allowances).
- (b) Any modified food needs of an individual child shall be provided under the direction of a licensed medical provider or a registered dietitian or nutritionist.
- (c) Menus shall be planned by or in consultation with a registered nutritionist or dietitian at least once per year. The facility shall obtain documentation of consultation.
- (d) Staff who eat with children shall be served the same food except for tea and coffee. An exception shall be made if

differences in age or special dietary needs are factors.

Authority G.S. 131D-10.5; 143B-153.

.0607 HEALTH EDUCATION

The residential child care facility shall develop and implement a plan for the provision of health education to include but not be limited to health, human sexuality, substance abuse, smoking, and prevention of sexually transmitted diseases. The health education plan shall be documented.

Authority G.S. 131D-10.5; 143B-153.

.0608 EDUCATIONAL AND VOCATIONAL SERVICES

- (a) The residential child care facility shall ensure that each child of school age is provided an education in accordance with the public school laws or the nonpublic school laws of North Carolina.
- (b) The residential child care facility shall make provisions for remedial educational assistance as indicated by the needs of the children.
- (c) The residential child care facility shall have a policy about serving children who are temporarily or permanently not attending school.
- (d) The residential child care facility shall have a written policy for providing vocational and life skills education if applicable to the population served.

Authority G.S. 131D-10.5; 143B-153.

.0609 RECREATION AND LEISURE ACTIVITIES

- (a) The residential child care facility shall develop a written schedule of planned recreational, leisure, or physical exercise activities with input from both staff and children which meets their developmental needs, which shall be posted in each cottage.
- (b) The residential child care facility shall provide a variety of indoor and outdoor, individual and group recreational opportunities, with suitable space and competent adult supervision, appropriate to the age, interests, and needs of each child.
- (c) The residential child care facility shall provide recreational opportunities for children to play with children of both genders. An exception shall be made when the program cares for only one gender.
- (d) The residential child care facility shall have an individualized plan for any child who has special recreational needs.

Authority G.S. 131D-10.5; 143B-153.

.0610 RELIGION AND SPIRITUAL DEVELOPMENT

- (a) The residential child care facility shall have written policies and procedures on religious training and practices and shall provide these policies to children and their parents or legal custodians prior to admission.
- (b) The residential child care facility shall develop a plan for each child to meet the child's spiritual needs which takes into

account the parent's or legal custodian's position regarding a child's religious participation.

(c) The residential child care facility shall have written policies and procedures which include that each child is free from coercion with regard to religious decisions.

Authority G.S. 131D-10.5; 143B-153.

.0611 PERSONAL POSSESSIONS AND MONEY

(a) The residential child care facility shall allow each child to bring and acquire personal belongings, but shall retain the option to supervise or limit the use of these items while the child is in care.

(b) The residential child care facility shall ensure that each child has clean, well-fitting, attractive, seasonal clothing appropriate to the age, sex and individual needs of each child.

(c) The residential child care facility shall ensure that each child has individual items necessary for personal hygiene and grooming.

(d) The residential child care facility shall provide opportunities for each child to learn the value and use of money.

(e) The residential child care facility shall provide security measures for each child's money separate from the agency's financial accounts.

Authority G.S. 131D-10.5; 143B-153.

.0612 WORK

(a) The residential child care facility shall provide opportunities for each child to learn the value of work and the development of good work habits.

(b) The residential child care facility shall comply with the provisions of the NC Child Labor Law concerning age, abilities, hours of labor and hazardous occupations in the assignment of work to children.

(c) The residential child facility shall not substitute children for employed staff in assigning work

(d) The residential child care facility shall not require children to be solely responsible for any major phase of operation or maintenance of the home such as cooking, laundering, housekeeping, farming, or repair work.

(e) The residential child care facility shall not require a child to work for the purpose of paying the facility for his cost of care except when an older child moving toward self-support enters into a contract with the facility in which he is paid for his work and assumes a gradual degree of responsibility for his own needs.

(f) The residential child care facility shall provide children who are on work assignments with adult supervision.

(g) The residential child care facility shall ensure that children's work assignments do not interfere with school, recreation, study period, adequate sleep, community contacts and family time.

Authority G.S. 131D-10.5; 143B-153.

.0613 DISCIPLINE AND BEHAVIOR MANAGEMENT

(a) The residential child care facility shall have written

policies and procedures on discipline and behavior management which shall be provided to and discussed with all children, parents or legal custodians, which include:

- (1) Proactive means for interacting with and teaching children which emphasize praise and encouragement for exhibiting self control and desired behavior; and
- (2) Methods for protecting children and others when a child is out of control.

(b) The residential child care facility shall implement standards for behavior which are reasonable and developmentally appropriate.

(c) The residential child care facility shall not engage in discipline or behavior management which includes:

- (1) Corporal/physical punishment;
- (2) Cruel, severe, or humiliating actions;
- (3) Discipline of one child by another child;
- (4) Denial of food, sleep, clothing or shelter;
- (5) Denial of family contact, including family time, telephone or mail contacts with family;
- (6) Assignment of extremely strenuous exercise or work;
- (7) Verbal abuse or ridicule;
- (8) Chemical, mechanical, or physical restraints except as specified in 10 NCAC 41S .0614(e); or
- (9) Locked rooms.

(d) The residential child care facility shall prohibit isolation as a behavioral control measure except when the facility provides it in an unlocked room within hearing distance of a staff member and the length of time alone is appropriate to the child's age and stages of development.

(e) If physical restraints are used, the residential child care facility shall have written policies and procedures on the types of and use of physical restraints which shall be discussed with each child, parents or legal custodian prior to or upon admission.

- (1) The facility shall train and supervise staff in the safe use of physical restraint.
- (2) The facility shall document each incident of physical restraint on an incident report which shall be filed in the child's record.
- (3) The facility shall assign supervisory staff to review and initial each incident report within 24 hours of the physical restraint to evaluate that the correct steps were followed by the direct child care staff who applied the physical restraint.

Authority G.S. 131D-10.5; 143B-153.

.0614 INCIDENT REPORTS

(a) The residential child care facility shall have written policies and procedures for reporting critical incidents.

(b) The residential child care facility shall document critical incidents, including accidents or injuries to the child, acts of physical aggression by children, use of physical restraints by staff and children who run away from the facility, which include:

- (1) Name of child or children involved;
- (2) Date and time of incident;
- (3) Brief description of incident;
- (4) Action taken by staff;
- (5) Need for medical attention, if needed;

- (6) Name of staff involved and person completing the report;
- (7) Name of child's legal custodian notified and date and time of notification; and
- (8) Signature of supervisory or administrative staff reviewing the report.

Authority G.S. 131D-10.5; 143B-153.

.0615 SEARCHES

(a) The residential child care facility shall have written policies and procedures on conducting searches of children's rooms and possessions which shall be discussed with each child, their parents or legal custodian prior to or upon admission.

(b) The search policies and procedures shall include:

- (1) Circumstances under which searches are conducted;
- (2) Personnel authorized to conduct searches; and
- (3) Provision for documenting searches and informing supervisory personnel of searches.

Authority G.S. 131D-10.5; 143B-153.

SECTION .0700 - BUILDINGS, GROUNDS AND EQUIPMENT

.0701 REQUIREMENTS FOR APPROVAL

(a) Floor plans for new residential child care facilities housing six or fewer children all of whom are able to evacuate the facility without assistance must be submitted to and approved by the Division of Social Services, Children's Services Section as a condition for licensure, prior to beginning service/operation.

(b) Floor plans for new and renovated existing residential child care facilities housing as many as seven and fewer than 10 children and for residential child care facilities housing six or fewer, no more than 3 of whom are unable to evacuate the facility without assistance, must be submitted to and approved by the Department of Health and Human Services, Division of Facility Services, Construction Section prior to beginning construction.

(c) Preliminary and final construction drawings for new facilities, conversions of existing facilities, or renovations of existing facilities housing 10 or more children must be submitted to and approved by the Department of Health and Human Services, Division of Facility Services, Construction Section prior to beginning construction. Three sets of drawings must be submitted to Construction Section for their review and distribution to the Division of Environmental Health and the Department of Insurance.

(d) When a question arises in determining whether an existing building used for child care purposes meets the requirements of the North Carolina State Building Code, an interpretation must be obtained by submitting a floor plan of the building, together with details of construction, to the Department of Health and Human Services, Division of Facility Services, Construction Section.

Authority G.S. 131D-10.5; 143B-153.

.0702 CONSTRUCTION AND RENOVATION

(a) Construction plans for new, reconstructed or renovated buildings must be compatible with the residential child care function of the facility and its program needs. A residential child care facility must not have two unrelated types of occupancy in the same building.

(b) The construction of a new residential child care facility, the conversion of an existing building for residential child care purposes, or the remodeling of an existing residential child care facility must comply with all applicable local zoning regulations and local and state building codes.

Authority G.S. 131D-10.5; 143B-153.

.0703 APPLICABLE BUILDING CODES

(a) Newly constructed buildings to be used for residential child care purposes must meet the requirements of the North Carolina State Building Code [adopted by reference pursuant to G.S. 150B-14(c)] for the type of occupancy for which the building is to be used.

(b) Residential child care facilities keeping 10 or more children must meet requirements for INSTITUTIONAL UNRESTRAINED OCCUPANCY of the North Carolina State Building Code and Volume I-C requirements for handicapped accessibility.

(c) Residential child care facilities keeping as many as seven and fewer than 10 unrestrained children must meet the requirements of the North Carolina State Building Code Volume I for "RESIDENTIAL CARE FACILITIES."

(d) Residential child care facilities keeping six or fewer unrestrained children with no more than three unable to evacuate the facility without assistance must meet the North Carolina State Building Code Volume I for "RESIDENTIAL CARE FACILITIES."

(e) Residential child care facilities keeping 6 or fewer unrestrained children who are able to evacuate the facility without assistance must meet the North Carolina State Residential Building Code Volume VII.

(f) Mobile homes, whether mobile or permanently situated, shall not be used for residential child care facilities.

Authority G.S. 131D-10.5; 143B-153.

.0704 FIRE AND BUILDING SAFETY

(a) An accessible non-pay telephone in each building must be provided with emergency telephone numbers posted at the telephone.

(b) Care must be exercised by the staff in allowing children to use matches or to handle combustible materials.

(c) Emergency plans and fire evacuation plans approved by the local fire authority must be developed and posted on each floor of each building.

(d) Fire drills must be held monthly at different times during the day and quarterly at night for both children and staff. Documentation of fire drills must be kept.

(e) The staff and children residing in a facility must be trained in the proper reporting of a fire and the ways of escaping from a fire. New residents must be instructed within the first day

upon admittance.

(f) For every 2,500 square feet of floor area or portion thereof and for each floor there must be at least one fire extinguisher. Fire extinguishers must be provided in accordance with the standards of the National Fire Protection Association Standard for Portable Fire Extinguishers NFPA Number 10. They must be inspected annually and kept charged and filled at all times in accordance with NFPA Number 10.

(g) For seven or more residents, each floor level must be separated from other floors in accordance with the requirements of the applicable building code, but by not less than walls and a solid core, self-closing, 20 minute fire-rated door.

(h) Each floor level must be provided with a minimum of two remotely-located exits.

(i) Fire exits and all exit-access paths including doors, hallways, and stairs, must be well lighted and kept clear of obstructions.

(j) No locks shall be installed on exit or room doors which would prevent occupants from getting out of the building by the simple operation of a single knob or lever.

(k) Emergency lighting must be provided for exiting from the building.

(l) Windows in children's bedrooms must be openable without the use of keys or special tools.

(m) Fire alarm and smoke detector systems must be installed in each child care facility in accordance with applicable codes, be audible throughout the building, be kept in working order and be readily identifiable by the staff and children.

(n) All electrical and heating equipment must be listed by a recognized testing agency; the electrical wiring in the building must conform to the requirements stated in the National Electrical Code for the applicable occupancy.

(o) Hot water at fixtures used by residents for bathing or hand-washing must be maintained at a minimum of 100 degrees Fahrenheit and a maximum of not more than 116 degrees Fahrenheit.

Authority G.S. 131D-10.5; 143B-153.

.0705 GENERAL SANITATION

(a) The water supply, sewage disposal, solid waste disposal, and food service must meet applicable rules and regulations of the Division of Environmental Health.

(b) Kitchens providing food service to 13 or more children must meet the requirements of "Rules Governing the Sanitation of Hospitals, Nursing Homes, Rest Homes, Sanitariums, and Educational and Other Institutions" prepared by the Division of Environmental Health.

(c) Kitchens providing food service to no more than 12 children must meet the requirements of "Rules Governing the Sanitation of Residential Care Facilities" prepared by the Division of Environmental Health.

(d) Laundry facilities must be provided.

(e) To assure compliance with all local and state sanitation regulations, construction plans for seven or more residents for a new child care facility, renovations of an existing building for a child care facility, or the reconstruction of an existing child care facility must be submitted to and approved by the county health

department in which the facility is located.

Authority G.S. 131D-10.5; 143B-153.

.0706 BATHING AND TOILET AREAS

(a) After the effective date of these Rules, at least one toilet, one lavatory with hot and cold water, and one tub or shower with hot and cold water must be provided for each six children or fraction thereof. For children under five years old a tub must be provided.

(b) Toilet and bathing facilities for direct care staff must be separate from facilities used by children living in the facility.

(c) Bathrooms must be located as conveniently as possible to the children's bedrooms.

(d) The entrance to a bathroom must not be through another resident's bedroom or bathroom.

Authority G.S. 131D-10.5; 143B-153.

.0707 SLEEPING AREAS

(a) Bedrooms in existing facilities licensed before October 31, 1977 must provide a minimum of 60 square feet of floor space for each child in multi-occupancy bedrooms and a minimum of 80 square feet of floor space in single-occupancy bedrooms. Floor area shall not include closets or wardrobes.

(b) Bedrooms in facilities licensed or developed after October 31, 1977 must provide a minimum of 80 square feet of floor space for each child in multi-occupancy bedrooms and a minimum of 100 square feet of floor space in single-occupancy bedrooms. Floor area shall not include closets or wardrobes.

(c) Bedrooms in facilities housing children with a maximum stay of not more than 15 days must provide a minimum of 60 square feet of floor space for each child in multi-occupancy bedrooms and a minimum of 80 square feet of floor space in single-occupancy bedrooms. Floor area shall not include closets or wardrobes.

(d) The only door access to a bedroom must not be through another bedroom.

(e) No child may share a bedroom with a staff member.

(f) No bedroom shall house more than four children.

(g) Children of different sexes more than five years of age must not share a bedroom.

(h) Each child must have a bed of his or her own.

(i) Bunk beds shall be limited to no more than one bed above the other bed at least four feet apart vertically.

(j) Beds must be at least three feet apart at the head, foot and sides; bunk beds must be at least five feet apart, horizontally.

(k) Each bed must be provided with a mattress in good repair.

(l) No day-bed, convertible sofa or other bedding of a temporary nature may be used.

(m) Bedrooms must be provided with a minimum of 48 cubic feet of closet or wardrobe space per child and four cubic feet of drawer space per child.

(n) Each bedroom must be provided with window area equal to eight percent of the floor area of the room.

Authority G.S. 131D-10.5; 143B-153.

.0708 LIVING/ACTIVITY AREAS

(a) The living/activity areas must be accessible from an outside entrance without going through sleeping, food service, or food preparation areas.

(b) A minimum total living area of 200 square feet or 40 square feet per child, whichever is greater, must be provided.

(c) Each required living/activity room must be provided with window area equal to eight percent of the floor area of the room.

Authority G.S. 131D-10.5; 143B-153.

.0709 DINING AREAS

(a) A minimum dining area of 120 square feet or 14 square feet per child, whichever is greater, must be provided convenient to the kitchen.

(b) Each dining room must be provided with window area equal to eight percent of the floor area of the room.

Authority G.S. 131D-10.5; 143B-153.

.0710 HEAT, LIGHT AND VENTILATION

(a) Heat. Heating equipment must be provided that maintains the temperature in the facility at no less than 65 degrees Fahrenheit.

(b) Ventilation.

(1) Living rooms, dining rooms and bedrooms shall have openable windows to the outside.

(2) Rooms including toilets, baths, and kitchens, without openable windows must have mechanical ventilation to the outside.

(c) Air conditioning or at least one fan per bedroom, living, and dining area must be provided when the temperature in the facility exceeds 85 degrees Fahrenheit.

Authority G.S. 131D-10.5; 143B-153.

.0711 EXTERIOR SPACE

(a) Outdoor recreational space must be provided.

(b) All structures on the grounds of the facility accessible to children must be free from hazards to health or safety.

(c) The grounds of the facility and the outdoor recreational space must be maintained free from any hazards to health or safety:

(1) Garbage and rubbish which is stored outside must be stored securely in non-combustible, covered containers and must be removed on a regular basis.

(2) Trash collection receptacles and incinerators must be kept separate from play areas and must be located to avoid being a nuisance to neighbors.

(3) Fences must be kept in good repair.

(4) Areas determined to be unsafe, including but not limited to, steep grades, cliffs, open pits, swimming pools, high voltage boosters, and high-speed roads, must be fenced off or have natural barriers to protect children.

(5) Play and recreational equipment must be located, installed, and maintained to ensure the safety of children.

Authority G.S. 131D-10.5; 143B-153.

.0712 INSPECTIONS

The residential child care facility must request and obtain inspections at least annually from the local sanitarian and from the local building inspector or fire inspector. Reports of such inspections must be submitted to the licensing authority.

Authority G.S. 131D-10.5; 143B-153.

.0713 VEHICLES USED FOR TRANSPORTATION OF CHILDREN

(a) Vehicle Requirements.

(1) Vehicles must be in conformance with all motor vehicle laws and regulations for the State of North Carolina.

(2) Vehicles must be maintained in a safe operating condition, must be properly registered, and must have a current, valid inspection sticker for the State of North Carolina.

(3) A first-aid kit must be provided.

(4) The bed of an open body or a stake bed vehicle must not be used for transporting children.

(b) Driver Requirements. The names of and a photostatic copy of a valid driver's license for each person transporting children shall be maintained in a separate file.

(c) Safety Practices.

(1) The interior of each vehicle must be maintained in a clean and safe condition with clear passage to operable doors.

(2) The driver must assure that all passengers follow current North Carolina laws regarding seat belt usage and shall adhere to child passenger restraint laws when transporting children.

(3) The driver shall not transport more persons, including children and adults, than allowed by the design capacity of the vehicle.

(4) Children shall not be transported for more than four continuous hours without a minimum of 30 minutes rest stop.

(5) Children shall not be transported for more than 10 hours in any 24 hour period.

(d) Transportation Records. Insurance verification and the vehicle identification certificate must be kept in the vehicle in accordance with state law.

(e) Insurance. If the residential child care facility's transportation services are provided by a private individual, a firm under contract, or by another arrangement, the facility must maintain a file copy of the individual's or firm's insurance coverage.

(f) Emergency Transportation. The residential child care facility must have a plan for transporting children in case of an emergency.

Authority G.S. 131D-10.5; 143B-153.

SUBCHAPTER 41T - MINIMUM LICENSING

STANDARDS FOR SPECIALIZED RESIDENTIAL CHILD CARE PROGRAMS

SECTION .0100 - CHILDREN'S FOSTER CARE CAMPS

.0101 APPLICABILITY

In addition to the rules in 10 NCAC 41S, the rules in this Subchapter shall apply to all persons licensed or seeking licensure for a children's foster care camp as defined in 10 NCAC 41S .0201.

Authority G.S. 131D-10.5; 143B-153.

.0102 ADMISSION CRITERIA

In order to be considered for admission into a foster care camp, a child shall meet the following criteria:

- (1) be between the ages of eight and 17 years old;
- (2) be physically able to participate in a camping experience; and
- (3) voluntarily consent to admission, recognizing/understanding the need for a therapeutic camping experience.

Authority G.S. 131D-10.5; 143B-153.

.0103 PERSONNEL

(a) Direct service personnel and supervisory personnel, in addition to supervision and training specified in 10 NCAC 41S .0405(d), shall be provided supervision and training in the following areas:

- (1) rescue evacuation, updated every three years; and
- (2) basic emergency water safety course, with certification documented in the camp files and updated every three years.

(b) There shall be a minimum of two counselors certified in Basic Rescue and Water Safety for each 10 children participating in activities involving water, including, but not limited to: swimming, boating, canoeing, and rafting.

Authority G.S. 131D-10.5; 143B-153.

.0104 SERVICE PLANNING

Each child shall have a medical assessment, within 60 days prior to admission, documenting the child's ability to participate in the activities of a therapeutic camping experience in an outdoor setting.

Authority G.S. 131D-10.5; 143B-153.

.0105 SERVICE DELIVERY

(a) An itinerary shall be on file at camp for any off-campus activity lasting longer than 24 hours. The itinerary shall include participants' names, daily schedule, list of check-in points, selected routes and telephone numbers of emergency resources along each route (sheriffs, hospitals, rescue squads).

(b) Education.

- (1) Each camp shall provide an alternative education

experience and the educational program shall comply with the appropriate requirements with special education of the Department of Public Instruction; or, each camp must be registered as and meet the requirements for a non-public school.

- (2) Education in a camp setting must be monitored and evaluated pursuant to either public or non-public school educational testing requirements to determine the child's achievement level.

Authority G.S. 131D-10.5; 143B-153.

.0106 BUILDINGS AND GROUND EQUIPMENT

(a) Facilities.

- (1) All sleeping units must provide at least the following space:
 - (A) 50 square feet per person;
 - (B) Three feet between the head, feet and sides of beds and sleepers; and
 - (C) 30 inches between sides of beds.
- (2) All camper sleeping facilities shall be limited to one level structures.
- (3) Any structure, sleeping or otherwise, with an occupancy of more than 12 persons, including staff, shall have at least two separate and independent means of exit.
- (4) Open flame lighting shall not be used in sleeping shelters for lighting and heating.

(b) Grounds:

- (1) There shall be potable water available at each camp site.
- (2) At each children's camp there shall be provided a minimum of:
 - (A) one shower head for each 20 children;
 - (B) one flush toilet for each 20 children;
 - (C) one urinal for each 30 male children (urinals may not be substituted for flush toilets);
 - (D) one handwashing facility, adjacent to toilet facilities, for each 20 children; and
 - (E) an approved wilderness latrine facility.

(c) Equipment:

- (1) Laundry facilities or equipment shall be available at each camp for all staff and children.
- (2) Gasoline, kerosene, and other flammable materials shall be stored in covered safe containers plainly labeled as to content.
- (3) Power tools
 - (A) All power tools, including mowers and trimmers, must have the necessary safety devices and be used according to manufacturer's instruction, maintained in good repair, and used only by those persons trained and experienced in their safety.
 - (B) Campers shall receive safety instructions before using such equipment.
 - (C) When campers are using such equipment, a trained and responsible adult must be present.
 - (D) All power tools shall be stored in a locked

- (4) place not occupied by children when not in use.
Fire extinguishers must be available in all areas so designated by fire safety officials and shall be properly charged and have a current inspection label.

Authority G.S. 131D-10.5; 143B-153.

SECTION .0200 - EMERGENCY SHELTER CARE PROGRAM

.0201 APPLICABILITY

In addition to the rules in 10 NCAC 41S, the rules in this Subchapter shall apply to all persons licensed or seeking licensure for an emergency shelter care program as defined in 10 NCAC 41S .0201.

Authority G.S. 131D-10.5; 143B-153.

.0202 ADMISSION PROCEDURES

(a) At the time of admission, the residential child care facility shall obtain the following information:

- (1) The name, sex, race, birth date and birth place of the child;
- (2) When available, the parents' names, addresses, telephone numbers, birth dates, races, religion and marital status;
- (3) When available, the names, addresses and telephone numbers of siblings and other significant relatives, a record of the child's prior placements with names of care givers, addresses and dates of care; and
- (4) If the child has had prior placements, the names of care-givers, addresses and dates of prior placements.

(b) Within 72 hours of admission, the facility shall obtain the following:

- (1) a written agreement for admission from the legal custodian;
- (2) consent for release of information;
- (3) consent for emergency medical treatment; and
- (4) consent for family time/visitation.

(c) Within two weeks of admission, the facility shall obtain the following:

- (1) Report of the physical examination in accordance with 10 NCAC 41S .0604(a)(1); and
- (2) A social summary which includes background information on the child, his/her family, his/her presenting problems, and current circumstances.

Authority G.S. 131D-10.5; 143B-153.

.0203 ADMISSION CRITERIA

The residential child care facility shall enter into and obtain a written agreement from the child's legal custodian within 72 hours of the child's admission which contains the following:

- (1) A statement documenting the legal custodian's authority to place the child and designating the legal custodian's consent for the child's admission;
- (2) Information which sets forth the role and responsibilities to be performed by the staff in the

facility during the child's stay in the program;

- (3) Information that specifies the expectations of the legal custodian during the child's stay in the program;
- (4) Specification of the anticipated length of the child's stay; and
- (5) Specification of the projected goals for the family during the child's stay in the program.

Authority G.S. 131D-10.5; 143B-153.

.0204 RECORDKEEPING

Client case record. An individual case record shall be maintained on each child which contains the following:

- (1) Written consent for placement;
- (2) Documentation of placement authority;
- (3) Demographic information on child and the child's family;
- (4) Consents for release of information, emergency medical treatment, family time/visitation;
- (5) Medical records, including the child's physical and immunization records;
- (6) Social summary;
- (7) Individualized service plan and biweekly reviews, including family time plan;
- (8) Progress notes; and
- (9) Discharge summary.

Authority G.S. 131D-10.5; 143B-153.

.0205 SERVICE PLANNING

Within one week of admission, an individualized service plan shall be developed and reviewed every other week, thereafter, by the shelter home staff, parents and legal custodian of the child, when appropriate. The individualized service plan shall include:

- (1) The expectation and goals to be reached by the child while in care;
- (2) The tasks and activities of the shelter home staff to meet the needs of the child while in care;
- (3) The tasks and activities of the parents and legal custodian to meet the needs of the child while in care;
- (4) The projected discharge plan;
- (5) The projected length of stay;
- (6) The signatures of the shelter staff, the child, the child's parents and the child's legal custodian if different from the child's parents.

Authority G.S. 131D-10.5; 143B-153.

.0206 DISCHARGE SERVICES

(a) The residential child care facility shall establish a policy which specifies that no child shall remain in care longer than 90 days. An exception may be made to this policy if the facility has an established policy which specifies the length of time and the circumstances by which a child will remain in shelter care longer than 90 days.

(b) Prior to discharge, the staff of the residential child care facility shall develop a plan with the child to determine if follow-up services will be provided, the type of services to be provided

and the timeframe for conducting these services.

Authority G.S. 131D-10.5; 143B-153.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Social Services Commission intends to amend the rule cited as 10 NCAC 42C .2301. Notice of Rule-making Proceedings was published in the Register on May 15, 1998.

Proposed Effective Date: May 1, 1999

A Public Hearing will be conducted at 10:00 a.m. on October 14, 1998 at the Albemarle Building, Room 943-2, 325 N. Salisbury Street, Raleigh, NC.

Reason for Proposed Action: The Social Services Commission requested that DFS amend 10 NCAC 42C .2301 to ensure notification of an adult care home resident's responsible person of certain cases of injury to or illness of the resident and incidents of the resident falling or wandering from the home.

Comment Procedures: Comments may be presented anytime before or at the public hearing or orally at the hearing. Time limits for oral remarks may be imposed by the Commission Chairman. Any person may request copies of this rule by calling or writing to Sharnese Ransome, APA Coordinator, Social Services Commission, NC Division of Social Services, 325 N. Salisbury Street, Raleigh, NC 27603, phone, (919)733-3055.

Fiscal Note: This Rule does not affect the expenditures or revenues of state or local government funds. This Rule does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 42 - INDIVIDUAL AND FAMILY SUPPORT

SUBCHAPTER 42C - LICENSING OF FAMILY CARE HOMES

SECTION .2300 - SERVICES

.2301 PERSONAL CARE

Responsible staff ~~must~~ shall be on duty at all times to:

- (1) Encourage and assist residents to care for their grooming, clothing, and toilet articles. This includes care of body, hair, gums, teeth, dentures, fingernails, clothing and personal items (comb, brush, etc.);
- (2) Allow all residents freedom of movement;
- (3) Assist residents, when necessary, on an individual basis with their bathing, dressing, eating, walking, going up and down steps, correspondence, shopping, and scheduling of medical and business appointments, as well as attend to any personal needs residents may be incapable of or unable to attend for themselves;

- (4) Supervise, on an individual basis, residents who smoke and need supervision. The degree of supervision will be at the discretion of the administrator or supervisor-in-charge. The home ~~must~~ shall have a written policy on smoking;
- (5) Evacuate all residents in an emergency;
- (6) Assure that residents are dressed in appropriate clothing when using the living room, dining room and recreational areas, or when the resident leaves the home for activities in the community;
- (7) Respond immediately in case of an accident or incident involving a resident, and make a proper report of it, as follows:
 - (a) The administrator or supervisor-in-charge ~~must~~ shall notify the county department of social services within 24 hours of any incident or accident which results in injury to a resident. A report is to be made if there is any reason to believe that a resident has been injured. Form ~~DSS-1870~~ DFS-4189 is to be completed by the administrator or supervisor-in-charge and mailed to the county department by the next working day. This written report ~~must~~ shall indicate how, when and where the incident or accident occurred, the nature of the injury, ~~and~~ what was done for the resident; resident and time of notification or attempts at notification of the responsible person or contact person as required in Subpart (7)(c)(i) of this Rule;
 - (b) The administrator or supervisor-in-charge ~~must~~ shall immediately notify the county department of social services and the local law enforcement authority, as appropriate, of any mental or physical abuse, neglect or exploitation of a resident in accordance with General Statute 108A-99. The administrator and supervisor-in-charge ~~must~~ shall cooperate with the county department of social services in its investigation of the matter; and
 - (c) The administrator or supervisor-in-charge shall assure the notification of a resident's responsible person or contact person, as indicated on the Resident Register, of the following, unless the resident or his responsible person or contact person objects to such notification:
 - (i) any injury to or illness of the resident requiring medical treatment or referral for emergency medical evaluation, with notification to be as soon as possible but no later than 24 hours from the time of the initial discovery or knowledge of the injury or illness by staff and documented in the resident's file; and
 - (ii) any incident of the resident falling or wandering from the home's premises which does not result in injury requiring medical treatment or referral for

emergency medical evaluation, with notification to be as soon as possible but no later than 48 hours from the time of initial discovery or knowledge of the incident by staff and documented in the resident's file, except for wandering incidents requiring immediate notification according to 10 NCAC 42C .2305(f)(4).

- (8) Encourage and assist the residents in the fullest possible exercise of the civil and religious liberties guaranteed under the Domiciliary Adult Care Home Residents' Bill of Rights, G.S. 131D-21.

Authority G.S. 131D-2; 143B-153.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services intends to amend the rule cited as 10 NCAC 45H .0205. Notice of Rule-making Proceedings was published in the Register on April 1, 1998.

Proposed Effective Date: April 1, 1999

Instructions on How to Demand a Public Hearing A demand for public hearing must be requested in writing within 15 days of this notice and addressed to Charlotte F. Hall, Division of MH/DD/SAS, 325 N. Salisbury Street, Raleigh, NC 27603-5906.

Reason for Proposed Action: In order to be consistent with actions by the Drug Enforcement Administration in placing Butorphanol and Sibutramine in SCHEDULE IV of the Controlled Substances Act.

Comment Procedures: Written comments should be submitted to Charlotte F. Hall, Rule-making Coordinator, Division of Mental Health Developmental Disabilities and Substance Abuse Services, 325 N. Salisbury Street, Albemarle Building, Suite 1156, Raleigh, NC 27603-5906.

Fiscal Note: This Rule does not affect the expenditures or revenues of state or local government funds. This Rule does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 45 - COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES

SUBCHAPTER 45H - DRUG TREATMENT FACILITIES

SECTION .0200 - SCHEDULES OF CONTROLLED SUBSTANCES

.0205 SCHEDULE IV

(a) Schedule IV shall consist of the drugs and other substances by whatever official name, common or usual name, chemical name or brand name designated listed in this Rule. Each drug or substance has been assigned the Drug Enforcement Administration controlled substances code number set forth opposite it.

(b) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1)	Alprazolam	2882
(2)	Barbital	2145
(3)	Bromaze	2748
(4)	Camazepam	2749
(5)	Chloral betaine	2460
(6)	Chloral hydrate	2465
(7)	Chlordiazepoxide	2744
(8)	Clobazam	2751
(9)	Clonazepam	2737
(10)	Clorazepate	2768
(11)	Clotiazepam	2752
(12)	Cloxazolam	2753
(13)	Delorazepam	2754
(14)	Diazepam	2765
(15)	Estazolam	2756
(16)	Ethchlorvynol	2540
(17)	Ethinamate	2545
(18)	Ethyl loflazepate	2758
(19)	Fludiazepam	2759
(20)	Flunitrazepam	2763
(21)	Flurazepam	2767
(22)	Halazepam	2762
(23)	Haloxazolam	2771
(24)	Ketazolam	2772
(25)	Loprazolam	2773
(26)	Lorazepam	2885
(27)	Lormetazepam	2774
(28)	Mebutamate	2800
(29)	Medazepam	2836
(30)	Meprobamate	2820
(31)	Methohexital	2264
(32)	Methylphenobarbital (mephobarbital)	2250
(33)	Midazolam	2884
(34)	Nimetazepam	2837
(35)	Nitrazepam	2834
(36)	Nordiazepam	2838
(37)	Oxazepam	2835
(38)	Oxazolam	2839
(39)	Paraldehyde	2585
(40)	Petrichloral	2591
(41)	Phenobarbital	2285
(42)	Pinazepam	2883
(43)	Prazepam	2764
(44)	Quazepam	2881
(45)	Temazepam	2925

- (46) Tetrazepam 2886
 (47) Triazolam 2887
 (48) Zolpidem 2783
 (c) Fenfluramine. Any material compound, mixture or preparation which contains any of the following substances including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible:

Fenfluramine 1670

(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or other preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Cathine [(+)-norpseudoephedrine] 1230
 (2) Diethylpropion 1610
 (3) Fencamfamin 1760
 (4) Fenproporex 1575
 (5) Mazindol 1605
 (6) Mefenorex 1580
 (7) Phentermine 1640
 (8) Pemolin (including organometallic complexes and chelates thereof) 1530
 (9) Sibutramine 1675

(e) Other Substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substance, including its salts:

- (1) Butorphanol (including its optical isomers) 9720
 (+) (2) Pentazocine 9709
 (2) (3) Pipradrol 1750
 (3) (4) SPA [(-)-1-dimethylamino-1,2-diphenylethane] 1635

(f) Narcotic Drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing limited quantities of any of the following narcotic drugs, or any salt thereof:

- (1) not more than one milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit. 9167
 (2) D e x t r o p r o p o x y p h e n e (alpha-(8f)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane). 9278
 (3) Buprenorphine 9064

Authority G.S. 90-88; 90-92; 143B-147.

TITLE 11 - DEPARTMENT OF INSURANCE

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Department of Insurance/Manufactured Housing Board intends to adopt the rule cited as 11 NCAC 8 .0912. Notice of Rule-making Proceedings was published in the Register on July 1, 1998.

Proposed Effective Date: April 1, 1999

A Public Hearing will be conducted at 2:00 p.m. on September 16, 1998 at 410 N. Boylan Avenue, Raleigh, NC.

Reason for Proposed Action: This rule is required to establish examination guidelines and procedures.

Comment Procedures: Written comments should be sent to Patrick Walker, c/o NC Department of Insurance, 410 N. Boylan Avenue, Raleigh, NC 27603, (919) 733-3901.

Fiscal Note: This Rule does not affect the expenditures or revenues of state or local government funds. This Rule does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 8 - ENGINEERING AND BUILDING CODES DIVISION

SECTION .0900 - MANUFACTURED HOUSING BOARD

.0912 SET-UP CONTRACTOR EXAMS

(a) Definitions. The definitions contained in G.S. 143-143.9 are incorporated into this Rule by reference. As used in this Rule, "qualifier" means an individual taking the examination on behalf of an applicant that is not an individual.

(b) Examination Required. Each applicant for a set-up contractor's license shall pass a written examination administered by the Board before the Board will issue a license to the applicant. Every applicant shall be required to pass the examination with a grade of at least 70 percent. An applicant who does not pass the examination shall be allowed to retake the examination.

(c) Time and Place of Examinations. The Board shall administer examinations in its offices in Raleigh. The Board shall announce the time and place for each examination at least 10 days before the date of the examination.

(d) Application Process. Each applicant shall complete an application on a form provided by the Board. If the applicant is not an individual, the applicant shall identify on the application any individuals who will take the examination for the applicant. In order to take an examination on a particular date, an applicant shall file a completed application no later than 30 days before the scheduled date of the examination.

(e) Person Taking Examination. A qualifier shall be associated with the applicant, and shall be actively engaged in the work of the applicant for a minimum of 20 hours per week, or a majority of the hours operated by the applicant, whichever is less. Each licensee shall notify the Board in writing within 10 days after any qualifier no longer meets the preceding requirements. If one qualifier fails, and another passes, the license will be granted to that applicant. An individual shall not serve as a qualifier for more than one license. The applicant may have more than one individual serve as a qualifier.

(f) Subject Matter. The set-up contractor examination shall include the following subjects:

- (1) The State of North Carolina Regulations for Manufactured/Mobile Homes.
- (2) The provisions of G.S. 143, Articles 9A and 9B.
- (3) The Rules of the Board.
- (4) Federal and State laws and rules governing the set-up of a manufactured home.

(g) General Requirements. All applicants scheduled for an examination shall bring a form of identification with a current picture. No visitors shall be allowed in the testing room.

(h) Special Arrangements for the Disabled. If an applicant has a disability which will require special arrangements to take an examination, the applicant shall request in writing that appropriate special arrangements be made. The Board shall make reasonable accommodations for applicants requesting assistance pursuant to this Rule.

(i) Cheating and Related Misconduct. Applicants shall not cheat or attempt to cheat on an examination by any means, including both giving and receiving assistance, and shall not communicate in any manner for any purpose with any person other than staff members for the Board during an examination.

(j) Notification of Results. The examination results shall be mailed to the applicant at the address on the application form within 30 days after the examination. Passing applicants shall receive only a grade of "pass."

(k) Review of Examinations. Upon the applicant's written request, made within 30 days after the written notification of the examination results, an applicant who did not pass the examination shall be allowed to review his examination. The review shall be at the Board's offices, at a time schedule by the Board's staff. An applicant shall review his examination in the presence of a staff member of the Board and shall not be accompanied by any other individual at a review session. No other individual shall review an examination on behalf of the applicant. An applicant shall not be permitted to copy a question or answer contained in the examination report or alter an examination paper in any way. An applicant who has passed the examination shall not be permitted to review his examination. If the applicant is not an individual, the review of the examination shall be made by the applicant's qualifier.

(l) Exemption. Each person who has a set-up contractor license on June 30, 1999, shall be exempt from examination requirements. Each person who has a set-up contractor license shall be allowed to renew his license each year without examination.

Authority: G.S. 143-143.10(b)(4); 143-143.11(h).

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Department of Insurance intends to adopt the rules cited as 11 NCAC 12 .1025, .1026, .1212 and amend the rule cited as 11 NCAC 12 .1003. Notice of Rule-making Proceedings was published in the Register on July 1, 1998.

Proposed Effective Date: April 1, 1999

A Public Hearing will be conducted at 10:00 a.m. on September 24, 1998 at 430 N. Salisbury Street, Raleigh, NC.

Reason for Proposed Action: NAIC has made changes in Long-Term Care Model Regulations - these rules reflect these changes by enabling long-term care providers to be subject to similar rules in most states.

Comment Procedures: Written comments should be sent to Theresa Shackelford, NC Department of Insurance, Life and Health Division, PO Box 26387, Raleigh, NC 27601, (919) 733-5060.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 12 - LIFE AND HEALTH DIVISION

SECTION .1000 - LONG-TERM CARE INSURANCE

.1003 POLICY DEFINITIONS; APPEALS

(a) No policy shall use the words or terms named in this Rule unless they are defined in the policy and the definitions satisfy the requirements in this Rule.

(b) "Acute condition" means that the individual is medically unstable and requires frequent monitoring by medical professionals, such as physicians and registered nurses, in order to maintain his health status.

(c) "Medicare" means the "Health Insurance for the Aged Act", Title XVIII of the Social Security Amendments of 1965, as amended.

(d) "Mental or nervous disorder" does not include more than neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder.

(a) No policy issued or issued for delivery in this State shall use the terms set forth in this Rule, unless the terms are defined in the policy and the definitions satisfy the following requirements:

- (1) "Activities of daily living" means at least bathing, continence, dressing, eating, toileting, and transferring.
- (2) "Acute condition" means that the individual is medically unstable and requires frequent monitoring by a medical doctor or registered nurse.
- (3) "Bathing" means washing oneself by sponge bath, or in a tub or shower, including the task of getting into and out of the tub or shower.
- (4) "Cognitive impairment" means a deficiency in a person's short or long-term memory; orientation as to person, place, and time; deductive or abstract reasoning; or judgment as it relates to safety awareness.
- (5) "Continence" means the ability to maintain control of bowel and bladder function; or, when unable to maintain control of bowel or bladder function, the

ability to perform associated personal hygiene (including caring for catheter or colostomy bag).

- (6) "Dressing" means putting on and taking off all items of clothing and any necessary braces, fasteners, or artificial limbs.
- (7) "Eating" means feeding oneself by getting food into the body from a receptacle (such as a plate, cup, or table); or by a feeding tube or intravenously.
- (8) "Hands-on assistance" means physical assistance (minimal, moderate, or maximal) without which the individual would not be able to perform the activity of daily living.
- (9) "Medicare" means the "Health Insurance for the Aged Act", Title XVIII of the Social Security Amendments of 1965, as amended.
- (10) "Mental or nervous disorder" shall not be defined to include more than neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder.
- (11) "Personal care" means the provision of hands-on services to assist an individual with activities of daily living.
- (12) "Toileting" means getting to and from the toilet, getting on and off the toilet, and performing associated personal hygiene.
- (13) "Transferring" means moving into or out of a bed, chair, or wheelchair.
- (14) "Skilled nursing care," "intermediate care," "personal care," "home care," and other services shall be defined in relation to the level of skill required, the nature of the care, and the setting in which care must be delivered.

(b) The definitions contained in G.S. 58-55-20 and G.S. 58-55-35(a) are incorporated by reference into this Section.

(c) A policy may condition the payment of benefits on a determination of the insured's ability to perform activities of daily living and on cognitive impairment as long as those conditions are defined in the policy. Assessments of activities of daily living and cognitive impairment shall be performed by licensed or certified professionals, such as medical doctors, nurses, or social workers. Policies shall include a descriptions of the procedures for appealing and resolving benefit determinations.

Authority G.S. 58-2-40(1); 58-55-30(a).

.1025 SUITABILITY

(a) Each insurer, except an insurer issuing life insurance that accelerates benefits for long-term care, shall:

- (1) Train its agents in the use of its suitability standards.
- (2) Maintain a copy of its suitability standards and make them available for inspection upon request by the Division.

(b) To determine whether the applicant meets the standards developed by the insurer, the agent and insurer shall develop procedures that take the following into consideration:

- (1) The ability to pay for the proposed coverage and other pertinent financial information related to the purchase

of the coverage.

- (2) The applicant's goals or needs with respect to long-term care and the advantages and disadvantages of insurance to meet these goals or needs.
- (3) The values, benefits, and costs of the applicant's existing insurance, if any, when compared to the values, benefits, and costs of the recommended purchase or replacement.

(c) The sale or dissemination of information obtained under this Rule by an insurer or an agent to any person outside of the insurance company or insurance agency is prohibited.

(d) Each year the insurer shall report to the Division the total number of applications received from residents of this State, the number of applicants who provided information on the Worksheet, the number of applicants who did not meet the suitability standards, the number of those who chose to confirm after receiving a suitability letter.

(e) An insurer may issue a policy to an applicant that does not meet the financial suitability standards if the applicant signs a waiver acknowledging the suitability results.

Authority G.S. 58-2-40(1); 58-55-30(a); 58-55-31.

.1026 NONFORFEITURE BENEFIT REQUIREMENTS

(a) G.S. 58-55-31(a) does not apply to insurers issuing life insurance that accelerates benefits for long-term care.

(b) Nonforfeiture benefits shall not exceed the maximum benefits that would have been payable before the policy lapse.

(c) Premiums charged for a policy containing nonforfeiture benefits shall be subject to the loss ratio requirements of the policy as a whole.

(d) This Rule applies only to policies newly issued on and after April 1, 1999.

Authority G.S. 58-2-40(1); 58-55-30(a); 58-55-31.

SECTION .1200 - ACCELERATED BENEFITS

.1212 LONG-TERM CARE BENEFITS ACCELERATION

(a) An insurer that issues life insurance policies or annuities that accelerate benefits for long-term care shall comply with 11 NCAC 12 .1010 if the policy being replaced is a long-term care insurance policy. If the policy being replaced is a life insurance policy, the insurer shall comply with 11 NCAC 12 .0611. If a life insurance policy that accelerates benefits for long-term care is replaced by another life insurance policy that accelerates benefits for long-term care, the replacing insurer shall comply with 11 NCAC 12 .1010 and 11 NCAC 12 .0611.

(b) 11 NCAC 12 .1013 does not apply to life insurance policies that accelerate benefits for long-term care. A life insurance policy that funds long-term care benefits entirely by accelerating the death benefit is considered to provide reasonable benefits in relation to premiums paid, if the policy complies with all of the following provisions:

- (1) The interest credited internally to determine cash value accumulations, including long-term care, if any.

are guaranteed not to be less than the minimum guaranteed interest rate for cash value accumulations without long-term care set forth in the policy.

- (2) The portion of the policy that provides life insurance benefits meets the nonforfeiture requirements of G.S. 58-58-55.
- (3) The policy meets the disclosure requirements of G.S. 58-55-30.
- (4) Any policy illustration that meets the applicable requirements of 11 NCAC 4.0501.
- (5) An actuarial memorandum is filed with the Division that includes:
 - (A) A description of the basis on which the long-term care rates were determined.
 - (B) A description of the basis for the reserves.
 - (C) A summary of the type of policy, benefits, renewability, general marketing method, and limits on ages of issuance.
 - (D) A description and a table of each actuarial assumption used. For expenses, an insurer must include percent of premium dollars per policy and dollars per unit of benefits, if any.
 - (E) A description and a table of the anticipated policy reserves and additional reserves held in each future year for active lives.
 - (F) The estimated average annual premium per policy and the average issue age.
 - (G) A statement as to whether underwriting is performed at the time of application. The statement shall indicate whether underwriting is used and, if used, the statement shall include a description of the type or types of underwriting used, such as medical underwriting or functional assessment underwriting. For a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when that underwriting occurs.
 - (H) A description of the effect of the long-term care policy provision on the required premiums, nonforfeiture values, and reserves on the underlying life insurance policy, both for active lives and those in long-term care claim status.

Authority G.S. 58-2-40(1); 58-55-30(a); 58-58-1; 58-58-40.

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Environment and Natural Resources intends to adopt the rule cited as 15A NCAC 2H .0226. Notice of Rule-making Proceedings was published in the Register on April 15, 1998.

Proposed Effective Date: April 1, 1999

Instructions on How to Demand a Public Hearing A demand for a public hearing must be requested in writing and mailed to Kim H. Colson, Non-Discharge Permitting Unit, PO Box 29535, Raleigh, NC 27626. The demand must be received within 15 days of this notice.

Reason for Proposed Action: The legislature enacted the Clean Water Responsibility and Environmentally Sound Policy Act (HB 515) during the 1997 General Assembly Session which included as Part I, a moratorium on the permitting of new and expanding swine operations. HB 515 included several exceptions to the moratorium listed in Section 1.1(b). The last of these exceptions is a provision which allows the permitting of innovative animal waste systems that do not employ anaerobic lagoons. The Statutes do not define innovative nor an anaerobic lagoon. There has been debate regarding the definitions of innovative and anaerobic lagoon in the regulated community, affected groups, and legislative committees. The Joint Legislative Administrative Procedures Oversight Committee has recommended to the Department (verbally) that rule making should proceed to define these terms. An initial inquiry to the Department's definition was made in January 1998. Under the normal rule making process, a permanent rule could not be adopted prior to the expiration of the moratorium. The moratorium is effective until the statutory deadline established in 1997 NC Sess. Laws, ch. 458, Sec. 1.1(a). Additionally, there are statutory requirements (NCGS 143-215.10C) requiring actions on permit applications within set time frames. If permanent rules were pursued without temporary rules, no criteria would be established for permitting innovative systems during the moratorium. Criteria is needed to avoid confusion regarding these permitting actions. Confusion has been expressed by the public, legislative bodies, other government agencies, researchers, new technology providers, and applicants. Items that have generated confusion are: what is considered innovative; is a lagoon anaerobic if it utilizes any anaerobic process; how many of the same system would be permitted under the exception; does HB 515 unduly restrict research on potential systems at state or federal facilities; what are the goals of a proposed innovative system; and does an innovative need to address odor. The new rule will set forth the needed criteria and definitions for permitting these systems under HB 515 including: what is considered innovative, an anaerobic lagoon definition, environmental factors to consider, and the ability to conduct research on state and federal property.

Comment Procedures: Comments, statements, data and other information may be submitted in writing within 60 days (until October 13, 1998) after the date of publication of this issue in the NC Register. Copies of the proposed rule and information package may be obtained by contacting the Non-Discharge Permitting Unit at (919) 733-5083 (ext. 574 or 535). Written comments may be submitted to Kim H. Colson, Division of Water Quality, Water Quality Section, Non-Discharge

Permitting Unit, PO Box 29535, Raleigh, NC 27626-0535.

Fiscal Note: This Rule does not affect the expenditures or revenues of state or local government funds. This Rule does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2H - PROCEDURES FOR PERMITS: APPROVALS

SECTION .0200 - WASTE NOT DISCHARGED TO SURFACE WATERS

.0226 INNOVATIVE ANIMAL WASTE OPERATION PERMITS FOR SWINE OPERATIONS

(a) In accordance with the Clean Water Responsibility And Environmentally Sound Policy Act, 1997 N.C. Sess. Laws ch. 458, Sec. 1.1(b)(7), the Director may issue permits for a new or expanding swine waste operation if the operation utilizes an innovative animal waste management system that does not employ an anaerobic lagoon. For the purpose of implementing the Clean Water Responsibility And Environmentally Sound Policy Act, 1997 N.C. Sess. Laws ch. 458, an individual permit may be issued for a new or expanding swine farm under G.S. 143-215.10C if the animal waste management system meets the criteria as set forth in Paragraph (b) of this Rule.

(b) An animal waste management system may be considered for an exception under Sec. 1.1(b)(7) of the Clean Water Responsibility And Environmentally Sound Policy Act, 1997 N.C. Sess. Laws ch. 458 if:

- (1) The system is installed on state or federally owned property, does not employ an anaerobic lagoon, and is a research or demonstration project; or
- (2) The system is substantially different from systems, other than pilot scale, currently in use in North Carolina on swine operations with 250 or more swine; and
- (3) It appears that the system will provide the Department a viable alternative to the continued use of the existing form of anaerobic wastewater lagoons prevalent in North Carolina as the treatment system for swine waste, or it appears that the system will substantially advance the Department's knowledge with regard to significant improvements that can be made to animal waste management on swine farms; and
- (4) The system does not employ an anaerobic lagoon.

(c) The following definitions apply to this Section:

- (1) "Anaerobic Lagoon" shall mean the lagoon is designed for the treatment of waste by converting it into Carbon dioxide, Methane, other gaseous end products, organic acids, and cell tissue.
- (2) "Lagoon" shall be as defined in G.S. 106-802(1).
- (3) "Anaerobic process" means a biological treatment process that occurs in the absence of oxygen.

(d) Other processes, such as anoxic zones and anaerobic zones for nutrient removal or anaerobic digesters for the further

treatment of residual solids, that do not include an anaerobic lagoon, would not prevent consideration for an exception under this Rule, provided the applicant can document beneficial aspects of the treatment with respect to ammonia volatilization, water quality, and odor reduction. The burden of proof shall be on the applicant to demonstrate this requirement.

(e) The Director may require the use of aeration or other treatment in holding basins or other storage devices if there is a potential for anaerobic processes developing and generating odors on a regular basis which are detectable beyond the property of the operation.

(f) The Director may consider whether the proposed location is consistent with water quality concerns in the watershed.

(g) This Rule shall be in effect as long as the Clean Water Responsibility And Environmentally Sound Policy Act, 1997 N.C. Sess. Laws ch. 458, Sec. 1.1 is in effect.

Authority G.S. 143-215.1; 143-215.10C; S.L. 1997 c. 458.

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10C .0302, .0305, .0405. Notice of Rule-making Proceedings was published in the Register on July 1, 1998.

Proposed Effective Date: April 1, 1999

A Public Hearing will be conducted at 10:00 a.m. on September 16, 1998 at the Archdale Building, Room 334, Raleigh, NC 27604.

Reason for Proposed Action:

15A NCAC 10C .0302 - To regulate/restrict taking of inland game fish necessary to manage and preserve the resources. The Wildlife Resources Commission may adopt this as a temporary rule pursuant to S.L. 1997-0403 following the abbreviated notice as indicated in the Notice of Rule-making Proceedings or following the public hearing and public comment period as indicated in this notice.

15A NCAC 10C .0305 - To regulate/restrict creel and size limits for taking of inland game fish necessary to manage and preserve the resource. The Wildlife Resources Commission may adopt this as a temporary rule pursuant to S.L. 1997-0403 following the abbreviated notice as indicated in the Notice of Rule-making Proceedings or following the public hearing and public comment period as indicated in this notice.

15A NCAC 10C .0405 - To regulate/restrict possession of licenses for nongame fish necessary to manage and preserve the resource. The Wildlife Resources Commission may adopt this as a temporary rule pursuant to S.L. 1997-0403 following the abbreviated notice as indicated in the Notice of Rule-making Proceedings or following the public hearing and public comment period as indicated in this notice.

Comment Procedures: Interested persons may present their views either orally or in writing at the hearing. In addition, the

record of hearing will be open for receipt of written comments from September 1, 1998 to October 1, 1998. Such written comments must be delivered or mailed to the NC Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

SECTION .0300 - GAME FISH

.0302 MANNER OF TAKING INLAND GAME FISHES

(a) Except as provided below, it is unlawful for any person to take inland game fishes from any of the waters of North Carolina by any method other than with hook and line. Landing nets may be used to land fishes caught on hook and line. Game fishes taken incidental to commercial fishing operations in joint fishing waters or coastal fishing waters shall be immediately returned to

the water unharmed. Game fishes taken incidental to the use of licensed special devices for taking nongame fishes from inland fishing waters as authorized by 15A NCAC 10C .0407 shall be immediately returned to the water unharmed, except ~~in the Pee Dee River downstream from the Blewett Falls dam, where that a daily creel limit of American and hickory shad may be taken by permit with dip nets, bow nets and drift gill nets special fishing devices during the permitted season, from March 1 through April 30 in those waters where such gear may be lawfully used. In the Pee Dee River below Blewett Falls dam no permit is required and shad may be taken with any special fishing device during the authorized season for that device.~~

(b) In the inland waters of the Roanoke River upstream of U.S. 258 bridge, only a single barbless hook or a lure with a single barbless hook may be used from 1 April to 30 June. Barbless as used in this rule, requires that the hook does not have a barb or the barb is bent down.

Authority G.S. 113-134; 113-273; 113-292; 113-302.

.0305 OPEN SEASONS: CREEL AND SIZE LIMITS

(a) Generally. Subject to the exceptions listed in Paragraph (b) of this Rule, the open seasons and creel and size limits are as indicated in the following table:

GAME FISHES	DAILY CREEL LIMITS	MINIMUM SIZE LIMITS	OPEN SEASON
Mountain Trout:			
Wild Trout Waters	4	7 in.	ALL YEAR (exc. 2)
Hatchery Supported Trout Waters and undesignated waters	7	None	All year, except March 1 to 6:00 a.m. on first Saturday in April (exc. 2)
Muskellunge and Tiger Musky	2	30 in.	ALL YEAR
Chain Pickerel (Jack)	None	None	ALL YEAR
Walleye	8 (excs. 8 & 9)	None	ALL YEAR (exc. 8)
Sauger	8	15 in.	ALL YEAR
Black Bass:			
Largemouth	5 (exc. 9)	14 in. (excs. 3, 7 & 10)	ALL YEAR (exc. 17)
Smallmouth and Spotted	5 (exc. 9)	12 in. (excs. 3, 7 & 10)	ALL YEAR
White Bass	25	None	ALL YEAR

Sea Trout (Spotted or Speckled)	10	12 in.	ALL YEAR
Flounder	None	13 in.	ALL YEAR
Red drum (channel bass, red fish, puppy drum)	5	18 in.	ALL YEAR
Striped Bass and their hybrids (Morone Hybrids)	8 aggregate (excs. 1 & 5)	16 in. (excs. 1, 5 & 11)	ALL YEAR (excs. 5, 13, & 15)
Shad: (American and hickory)	10 aggregate (exc. 18)	None	ALL YEAR (~~exc. 18~~) (excs. 18 & 19)
Kokanee Salmon	7	None	ALL YEAR
Panfishes	None (excs. 4, 12, & 16)	None (exc. 12)	ALL YEAR (exc. 4)
NONGAME FISHES	None (exc. 14)	None (exc. 14)	ALL YEAR (excs. 6)

(b) Exceptions

- (1) In the Dan River upstream from its confluence with Bannister River to the Brantly Steam Plant Dam, and in John H. Kerr, Gaston, and Roanoke Rapids Reservoirs, and Lake Norman, the creel limit on striped bass and Morone hybrids is four in the aggregate and the minimum size limit is 20 inches.
- (2) In designated public mountain trout waters the season for taking all species of fish is the same as the trout fishing season. There is no closed season on taking trout from Nantahala River and all tributaries (excluding impoundments) upstream from Nantahala Lake, and the impounded waters of power reservoirs and municipally-owned water supply reservoirs open to the public for fishing.
- (3) Bass taken from Calderwood Reservoir may be retained without restriction as to size limit.
- (4) On Mattamuskeet Lake, special federal regulations apply.
- (5) In the inland fishing waters of Cape Fear, Neuse, Pee-Dee, Pungo and Tar-Pamlico rivers and their tributaries and the Roanoke River and its tributaries, including the Cashie, Middle, and Eastmost rivers, extending upstream to the first impoundment, and Lake Mattamuskeet, the daily creel limit for striped bass and their hybrids is three fish and the minimum length limit is 18 inches. In the Roanoke River and its tributaries, including the Cashie, Middle, and Eastmost rivers-from April 1 to May 31 no fish between the lengths of 22 inches and 27 inches shall be retained.
- (6) See 15A NCAC 10C .0407 for open seasons for taking nongame fishes by special devices.
- (7) The maximum combined number of black bass of all

species that may be retained per day is five fish, no more than two of which may be smaller than the applicable minimum size limit. The minimum size limit for all species of black bass is 14 inches, with no exception in Lake Luke Marion in Moore County, in Reedy Creek Park lakes in Mecklenburg County, in Lake Rim in Cumberland County, in Currituck Sound and tributaries north of Wright Memorial Bridge, in North River and tributaries in Currituck and Camden Counties north of a line between Camden Point and the end of SR 1124, in High Rock Lake downstream of I-85, in Badin Lake, in Falls Lake, in Lake Tillery, in Blewett Falls Lake, and in the New River and its tributaries in Onslow County. In and west of Madison, Buncombe, Henderson and Polk Counties and in designated public mountain trout waters the minimum size limit is 12 inches. In B. Everett Jordan Reservoir a minimum size limit of 16 inches, with no exception, applies to largemouth bass. In Falls of Neuse Reservoir, east of SR 1004, and Tuckertown Lake no black bass between the lengths of 12 inches and 16 inches may be retained, and the minimum size limit for black bass is 16 inches, except that the daily creel may contain two black bass of less than 12 inches in length. In W. Kerr Scott Reservoir there is no minimum size limit for spotted bass.

- (8) A minimum size limit of 15 inches applies to walleye taken from Lake James and its tributaries, and the daily creel limit for walleye is four fish in Linville River upstream from the NC 126 bridge above Lake James.
- (9) The creel limit for black bass and walleye taken from Calderwood Reservoir is 10.
- (10) The minimum size limit for all black bass, with no

exception, is 18 inches in the following trophy bass lakes:

- (A) Cane Creek Lake in Union County;
 - (B) Lake Thom-A-Lex in Davidson County; and
 - (C) Sutton Lake in New Hanover County.
- (11) In all impounded inland waters and their tributaries, except those waters described in Exceptions (1) and (5), the daily creel limit of striped bass and their hybrids may include not more than two fish of smaller size than the minimum size limit.
- (12) In Lake Tillery, Falls Lake, High Rock Lake, Badin Lake, Tuckertown Lake, Lake Hyco, Lake Ramseur and Cane Creek Lake a daily creel limit of 20 fish and a minimum size limit of 8 inches apply to crappie. In Lake James, a daily creel limit of 20 fish applies to crappie.
- (13) In designated inland fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan River, Currituck Sound, Alligator River, Scuppernong River, and their tributaries (excluding the Roanoke River and Cashie River and their tributaries), striped bass fishing season, size limits and creel limits shall be the same as those established by duly adopted rules or proclamations of the Marine Fisheries Commission in adjacent joint or coastal fishing waters.
- (14) The daily creel and length limits for channel, white, and blue catfish in designated urban lakes are provided for in 15A NCAC 10C .0401(d).
- (15) The Executive Director may, by proclamation, suspend or extend the hook-and-line season for striped bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to violate the provisions of any proclamation issued under this authority.
- (16) In the entire Lumber River from the Camp MacKall bridge (SR 1225, at the point where Richmond, Moore, Scotland, and Hoke counties join) to the South Carolina state line and in all public fishing waters east of I-95, except Tar River Reservoir in Nash County, the daily creel limit for sunfish is 30 in aggregate, no more than 12 of which shall be redbreast sunfish.
- (17) In Sutton Lake, no largemouth bass may be retained from December 1 through March 31.
- (18) In the Pee Dee River downstream from the Blewett Falls dam, shad may be taken with special fishing devices without restriction to creel limits as provided for in 15A NCAC 10C .0404 (b) during the permitted special fishing device seasons specified in 15A NCAC 10C .0407. American and hickory shad taken under this Subparagraph may be sold as authorized under subsection 10C .0401.
- (19) The season for taking American and hickory shad with dip nets, bow nets and drift gill nets is March 1 through April 30, except in Pee Dee River downstream from Blewett Falls dam where the season prescribed in 15A NCAC 10C .0407(4) and (75) is in effect.

Authority G.S. 113-134; 113-292; 113-304; 113-305.

SECTION .0400 - NONGAME FISH

.0405 POSSESSION OF LICENSES

Except as indicated below, every individual participating in the taking of fish through the use of any special device must have the special device fishing license issued to him, personally, in his possession or readily available for inspection. In addition individuals harvesting American or hickory shad with dip nets, bow nets or drift gill nets must have a special harvest permit issued by the Wildlife Resources Commission. A bow net or a dip net may be used by an individual other than the licensee with the licensee's permission, but such user must have the license in his possession or readily available for inspection. ~~inspection: provided, that when~~ Also each user must obtain his own special harvest permit for taking American and hickory shad. When using drag seines authorized for taking nongame fishes at beaches on inland fishing waters where there are migratory saltwater fishes ~~(herring, shad (herring or mullet),~~ only the principal owner and operator is required to be licensed.

Authority G.S. 113-134; 113-275; 113-276; 113-276.1; 113-292.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Environment and Natural Resources intends to amend the rule cited as 15A NCAC 12B .0901. Notice of Rule-making Proceedings was published in the Register on January 2, 1998.

Proposed Effective Date: April 1, 1999

A Public Hearing will be conducted at 1:00 p.m. on September 18, 1998 at the Archdale Building, Ground Floor Hearing Room, 512 N. Salisbury Street, Raleigh, NC 27611.

Reason for Proposed Action: The purpose of this amendment to 15A NCAC 12B .0901 will be to allow the possession or use of pyrotechnics in connection with an authorized public exhibition as approved by the Division Director.

Comment Procedures: Comments, statements, data, and other information may be submitted in writing within 30 days after the publication of the September 1, 1998 issue of the North Carolina Register. Information and copies of the rule may be obtained by contacting Gina Rutherford at the Division of Parks and Recreation at 919/715-8710. Written comments may be submitted to Gina Rutherford, Division of Parks and Recreation, PO Box 27687, Raleigh, NC 27611.

Fiscal Note: This Rule does affects the expenditures or revenues of local government funds. This Rule does not affect the expenditure or distribution of State funds subject to the Executive Budget Act, Article 1 of Chapter 143 and does not

have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 12 - PARKS AND RECREATION AREA RULES

SUBCHAPTER 12B - PARKS AND RECREATION AREAS

SECTION .0900 - FIREARMS: EXPLOSIVES: FIRES: ETC.

.0901 FIREARMS: WEAPONS: EXPLOSIVES

(a) No person except authorized park employees, their agents, or contractors, or officers of the state shall carry or possess firearms, airguns, bows and arrows, sling shots, or lethal missiles of any kind within any park.

(b) The possession or use of ~~pyrotechnics~~ and cap pistols is prohibited. The possession or use of dynamite or other powerful explosives as defined in G.S. 14-284.1 is prohibited.

(c) The possession or use of pyrotechnics is prohibited except for pyrotechnics exhibited, used, or discharged in connection with an authorized public exhibition and approved by the Director of the Division of Parks and Recreation, or designee. Persons wishing to possess or use pyrotechnics in connection with a public exhibition, such as a public celebration shall file an application for a special use permit with the appropriate park superintendent. All applicants shall enter an indemnification agreement with the Department and obtain general liability and property damage insurance, with limits as determined by the Secretary or designee, which are reasonably necessary to cover possible liability for damage to property and bodily injury or damage to persons which may result from, or be caused by, the public exhibition of pyrotechnics or any act(s) or omission(s) on the part of the applicant(s) or the applicant's agents, servants, employees, or subcontractors presenting the public exhibition. The Division Director, or designee, may deny an application as deemed necessary to protect the public health, safety, and welfare, or to protect the natural resources of the park unit.

Authority: G.S. 14-410; 14-415; 113-35.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Health and Human Services intends to amend the rule cited as 15A NCAC 19C .0206. Notice of Rule-making Proceedings was published in the Register on February 2, 1998.

Proposed Effective Date: April 1, 1999

A Public Hearing will be conducted at 10:00 a.m. on September 28, 1998 at the Parker-Lincoln Building, Room 2A100, Conference Room, Occupational and Environmental Epidemiology Section.

Reason for Proposed Action: The 1997 General Assembly

ratified "An Act to Increase the Amount Paid to Physicians to read X-Ray Films for the Dusty Trades Program," which amended G.S. 97-72, Section 1. The amendment increased the allowable fee paid to the members of the Advisory Medical Committee to not more than forty dollars (\$40.00) per film examined. The fee per film shall be established by the Secretary for Health and Human Services as guided by the current Medicaid/Medicare reimbursement schedules for North Carolina.

Comment Procedures: Comments, statements, and other information may be submitted in writing within 30 days after the publication date in the North Carolina Register. Copies of the proposed rule may be obtained by contacting the Occupational and Environmental Epidemiology Section at 919-733-3680. Written comments may be submitted to Susan Randolph, Division of Epidemiology, OEEs, PO Box 29601, Raleigh, North Carolina 27626-0601.

Fiscal Note: This Rule does affect the expenditure or distribution of State funds subject to the Executive Budget Act, Article 1 of Chapter 143. This Rule does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 19 - HEALTH: EPIDEMIOLOGY

SUBCHAPTER 19C - OCCUPATIONAL HEALTH

SECTION .0200 - OCCUPATIONAL HEALTH

.0206 FEES FOR MEDICAL EXAMS IN DUSTY TRADES

(a) ~~Employers whose employees receive periodic radiographs from the Department's mobile x-ray unit pursuant to G.S. 97-60 will be charged a fee for each employee x-rayed. The fee will be twelve dollars (\$12.00) per employee.~~

(b) Employers will be charged a fee for each employee screened by the chest consultant pursuant to G.S. 97-60. The fee for this will be ~~five dollars (\$5.00)~~ eight dollars (\$8.00) per x-ray.

Authority: G.S. 97-72(b).

TITLE 17 - DEPARTMENT OF REVENUE

Notice is hereby given that the Department of Revenue intends to repeal rules cited as 17 NCAC 4D .0204, .0303, .0305, .0401 - .0402, .0501, .0505 - .0506, .0508, .0610, .0901 - .0903, .0907 - .0908, .1001, .1003. Notice of Rule-making Proceedings was published in the Register on N/A.

Editor's Note: G.S. 150B-1(d)(4) exempts the Department of Revenue from Part 2 Article 2A of Chapter 150 with respect to the notice and hearing requirements. The Department will however publish the text of proposed rules in the North Carolina Register prior to the scheduled time of review by the Rules

Review Commission.

Proposed Effective Date: July 1, 1999

Reason for Proposed Action: Section 4.2 of Chapter 13 of the 1996 Second Extra Session repealed the soft drink tax, effective July 1, 1999. These Rules are the rules that implement the soft drink tax. These Rules will be obsolete on July 1, 1999, when the soft drink tax is repealed.

Comment Procedures: Written comments may be submitted to Ms. Brenda Coleman at North Carolina Department of Revenue, Corporate, Excise, and Insurance Tax Division, PO Box 871, Raleigh, NC 27602. Comments received will be taken into consideration. If you have any questions, you may call Ms. Coleman at 919-733-1352.

Fiscal Note: These Rules affect the expenditure or distribution of State funds. These Rules do have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 4 - LICENSE AND EXCISE TAX DIVISION

SUBCHAPTER 4D - SOFT DRINK TAX

SECTION .0200 - LICENSES

.0204 GENERAL LICENSE PROVISIONS

(a) All licenses shall be issued by the secretary on Form B-B-4, Retail Dealer Soft Drink License; and Form B-B-5, Distributor and/or Wholesale Dealer Soft Drink License.

(b) No license shall be assignable, transferable, or prorated.

(c) Each license or such other evidence of license as the secretary may authorize shall be exhibited in the place of business for which it is issued.

(d) Upon application to the secretary, a soft drink distributor, wholesale dealer or retail dealer may obtain without charge a duplicate license upon:

- (1) a satisfactory showing that the original license has been lost, destroyed or defaced;
- (2) a satisfactory showing that the location of the place of business represented by the license has been changed.

Each license shall bear the words "duplicate license" on its face.

Authority G.S. 105-113.50; 105-262.

SECTION .0300 - TAX RATES

.0303 LIQUID BASE RATE ILLUSTRATED

(a) Whenever a dry mixture is converted to a liquid base, the tax per ounce of dry mixture will be computed in direct ratio to the quantity of ready-to-use liquid base produced.

Example: Cocoa powder; generally, one pound of cocoa powder is used in the manufacture of a gallon of chocolate

syrup. The tax on a gallon of syrup being one dollar (\$1.00); and since 16 ounces of powder are required to produce one gallon of syrup, the tax levied in this instance would be at the rate of six and one-fourth cents ($6\frac{1}{4}\%$) per ounce of the dry mixture.

(b) Concentrated mixtures which are used commercially for compounding soft drink liquid base products are subject to tax in proportion to the concentrates.

Example: Concentrate X is a quadruple strength syrup. This concentrate represents four gallons of ready-to-use syrup. In such instance, the tax rate on such concentrate would be four dollars (\$4.00) and would have to be tax paid accordingly by the distributor, wholesaler or retailer.

(c) Premixed flavored milk shake drink mixes or premixed flavored imitation milk shake drink mixes which are not in ready-to-use size containers, and which milk shake drink mixes are for the purpose of further dispensing before being ready for consumption, are subject to tax based upon the amount of base product used in the manufacture of same. The fact that such products may be further chilled or partially frozen before being dispensed would not affect this liability.

Approximately 10 percent of the premixed flavored milk shake drink mixes represents the amount of base product used in the manufacture of such premixed milk shake drink mix. Thus, a soft drink tax of ten cents (\$0.10) will cover the excise tax due on the soft drink products used in the manufacture of one gallon of premixed flavored milk shake drink mix. On a five-gallon container of premixed flavored milk shake drink mix, a soft drink tax of fifty cents (\$0.50) would be applicable. A dealer is permitted to use this basis for payment of the tax on these premixed flavored milk shake drink mixes.

(d) Premixed carbonated drinks, which are not in ready-to-use size containers, and which drinks are for the purpose of further dispensing before being ready for consumption, are not considered bottled soft drinks under the Soft Drink Tax Article. Instead, the tax on same shall be determined on the basis of the amount of liquid base product used in the manufacture of such premixed carbonated drinks. Proper tax shall be applicable to each such container based on the amount of liquid base product used in producing such drink.

Using a five to one ratio, a liquid base product tax of seventeen cents (\$0.17) will cover the amount of liquid base in one gallon of premixed carbonated drink. A dealer is permitted to use this basis for payment of the tax on these premixed carbonated drinks. Thus, on a five-gallon container of premixed drink, same would require a liquid base tax of eighty-five cents (\$0.85).

Example: A 600-ounce container of premixed carbonated drink using this same five to one ratio, would represent approximately 100 ounces of syrup. On this basis, a tax of eighty cents (\$0.80) would be applicable to each container of premixed carbonated drink.

Authority G.S. 105-113.45; 105-262.

.0305 PRODUCTS NOT USED IN MANUFACTURING PROCESS

All base products possessed or stored by the manufacturer which are not for use by such persons in the manufacture of

bottled soft drinks shall be stored in a separate compartment or location from that known to be intended for use in the manufacture of bottled soft drinks. Records must be maintained to reflect the quantity of such products that are stored or kept within the separate compartment or location. The records must include quantity of ingredients purchased, date received, and the name and address of the person from whom they were received, date of withdrawal, user and the quantity withdrawn. All such records shall be made available to the Secretary of Revenue or an authorized agent at any time upon request for purpose of examination for at least three years.

Authority G.S. 105-113.45; 105-113.46; 105-113.57; 105-113.58; 105-262.

SECTION .0400 - TAXABLE STATUS OF VARIOUS PRODUCTS

.0401 DOMESTIC USE VERSUS COMMERCIAL USE

(a) Bottled soft drinks are subject to tax both domestically and commercially.

(b) Liquid (frozen or unfrozen) base products that contain milk or the package instructions indicate to add milk are exempt when used domestically but taxable commercially.

(c) Liquid (frozen or unfrozen) base products that do not meet the exemption/registration requirements under G.S. 105-113.46 and G.S. 105-113.47 are taxable both domestically and commercially.

Example: Juice bases that do not contain 100 percent juice or do contain 100 percent juice when reconstituted according to package directions but are not registered as approved products.

(d) Dry base products such as hot chocolate mix or other dry mixes which contain milk or to which milk is added, per package directions, are exempt domestically but taxable commercially.

(e) Dry base products such as Tang, Country Time Lemonade, Gatorade, Kool-Aid, Oh Boy Drink, Tip-Top, Miracle-Aid, all similar products and all dry mixes which do not contain milk or which the package directions do not indicate to add milk are taxable both domestically and commercially.

(f) Base products that do not contain any milk are taxable both domestically and commercially.

(g) Base products to which a liquid other than milk is added to make a soft drink are taxable both domestically and commercially.

(h) Base products, even if classified as exempt for domestic use, that are purchased by a commercial establishment from a retail store immediately become taxable products and tax must be paid thereon.

Example: Cocoa mix containing milk which is exempt domestically but taxable commercially.

(i) Base products sold to commercial establishments such as drug stores, drive-ins, hospitals, restaurants, vending machines, schools, and churches, are subject to the soft drink excise tax.

Authority G.S. 105-113.45; 105-113.46; 105-113.47; 105-262.

.0402 REPRESENTATIVE LIST

The Department's representative list of taxable soft drink products, with comments as whether taxable domestically and/or commercially, is not intended to be exclusive, and the absence of any product on such list does not in any way indicate whether or not the product is subject to the soft drink excise tax.

Authority G.S. 105-113.44; 105-113.45; 105-113.46; 105-113.47; 105-262.

SECTION .0500 - EXEMPTIONS FROM SOFT DRINK EXCISE TAX CONDITIONAL

.0501 FEDERAL GOVERNMENT

(a) Soft drink products may be sold to the federal government and its instrumentalities, such as the Armed Forces Exchange Services, without the payment of the soft drink excise tax, but sales of soft drink products by such services must be limited to members of the armed forces and their dependents who hold identification cards entitling them to make purchases through Armed Forces Exchange Services.

(b) Whenever tax exempt deliveries of soft drink products are made by distributors, wholesalers or retailers to Armed Forces Exchange Services, the seller must require a duly receipted invoice or copy thereof from the governmental agent designated to accept delivery.

(c) If a person engages in the sale of any soft drink products, defined under the Soft Drink Act, on a military reservation; regardless of the fact that he may have a contract with the federal government, whereby the federal government will receive a commission, flat fee or some other type of compensation on such sales; same does not exempt the sale of such products from the excise tax. In such instance, such sales would not be made by the federal government or an instrumentality thereof. Instead, all such sales are subject to the soft drink excise tax and shall be tax paid as required herein.

Authority G.S. 105-113.46; 105-262.

.0505 APPLICATION FOR EXEMPTION REQUIRED

(a) Registration of all natural juice and all bottled milk drinks, except a natural liquid milk drink produced by a farmer or a dairy, is required under G.S. 105-113.47. Any bottled soft drink (juice or milk) for which exemption is claimed shall be registered with the Secretary on Form B-B-8, Application for Registration of Product for Exemption from Bottled (Closed Container) Soft Drink Excise Tax. Any concentrated fruit or vegetable juice for which exemption is claimed shall be registered with the Secretary on Form B-B-50, Application for Registration of Concentrated Frozen or Unfrozen Fruit or Vegetable Juice for Exemption from the Soft Drink Excise Tax.

(b) Three copies of the label which will be affixed to the product or sample of the physical package showing weight and content and supporting the claim for exemption must accompany each application.

(c) All bottled soft drinks and base products for which exemption has not been provided under the Soft Drink Tax Act are subject to tax both commercially and domestically.

Authority G.S. 105-113.47; 105-262.

.0506 EXEMPT SALES RECORDS

Records must be maintained in such manner as can be inspected and audited by the Secretary or duly authorized representative at any time and without having to go through and separate or segregate all sales of the taxpayer in order to arrive at the amount of exempt sales. Every retail dealer and every distributor or wholesaler and their customers must keep records of inventories, purchases, and sales of bottled soft drink and base products for at least 3 years.

Authority G.S. 105-113.51; 105-113.58; 105-262.

.0508 NATURAL PRODUCTS EXEMPTION DETERMINED

(a) Farmers and dairies are not required to register natural liquid milk. However, a milk drink is subject to the tax unless exempted under G.S. 105-113.47.

(b) Except for added vitamins, minerals, sugar, or ingredients extracted from an item and later returned to the item during the manufacturing process, the addition of any other ingredients (such as salt, coloring, artificial flavoring, preservative, or carbonation) to a bottled, concentrated or reconstituted juice makes the product a taxable item.

Authority G.S. 105-113.46; 105-113.47; 105-262.

SECTION .0600 - TAXPAID INDICIA (STAMP, IMPRINT, CROWN, OTHER)

.0610 ONLY NORTH CAROLINA TAXPAID INDICIA ALLOWED

Any person making sales of bottled soft drinks or base products in this State evidencing another state's taxpaid stamp, crown, or other indicia must give written notification to the Secretary prior to such transactions.

Authority G.S. 105-113.63; 105-262.

SECTION .0900 - MONTHLY REPORT, INVOICE AND BOND REQUIREMENTS

.0901 REPORT BY DISTRIBUTOR OR WHOLESALER

(a) Distributors and wholesalers, liable for the tax under G.S. 105-113.51, must file monthly reports on Form B-B-60 (Monthly Soft Drink Excise Tax Report of Distributor or Wholesale Dealer) with the Secretary, showing transactions for the preceding month. This monthly report is required whether or not any tax is shown to be due. The secretary will provide monthly report forms which must be filled out in detail, and any remittance due must accompany these reports.

(b) Distributors and wholesalers, liable for the tax under G.S. 105-113.51, and who file timely reports are subject to the tax at the reduced rate of seventy-two cents (\$0.72) per gross, instead of one dollar and forty-four cents (\$1.44) per gross, on the first 15,000 gross of bottled soft drinks sold at wholesale from

October 1 to September 30 of each year. This equates to a reduced rate of one-half cent (1/2¢) per bottled soft drink on the first 2,160,000 drinks sold annually.

(c) Distributors and wholesalers who purchase non-tax-paid bottled soft drinks using a soft drink certificate of liability as provided for under G.S. 105-113.51(b) are not entitled to the reduced rate on any drinks purchased under a certificate and are subject to the tax at the full rate of one cent (\$0.01) per bottle or one dollar and forty-four cents (\$1.44) per gross on all such bottled soft drinks sold in North Carolina.

(d) A wholesale sale is a sale made by a distributor or wholesaler for resale and does not include a sale to the user or ultimate consumer.

(e) No discount is allowed on wholesale sales of bottled soft drinks tax paid at the reduced rate of one-half cent (1/2¢) per bottle.

Authority G.S. 105-113.51; 105-113.52; 105-262.

.0902 REPORT BY RETAILER

Retail dealers, liable for the excise tax under G.S. 105-113.51, shall file monthly reports on Form B-B-61 (Retail Dealer's Monthly Soft Drink Excise Tax Report) covering such transactions. This report is required whether or not any tax is shown to be due. The Secretary will provide monthly reports forms which must be filled out in detail, and any remittance due must accompany these reports.

Authority G.S. 105-113.51; 105-262.

.0903 REPORT BY DEALER ON TRAINS

Railroads operating interstate are permitted to sell nontaxpaid bottled soft drinks in this State, but such carriers must notify the Secretary and report on Form B-B-15 (Monthly Report of Sales of Nontaxpaid Bottled Soft Drinks by Dealers on Trains). This report is due on or before the 15th day of each month showing all taxable sales for the preceding month. A remittance for the amount of the excise tax due the state on such sales must be submitted with the report.

Authority G.S. 105-113.51; 105-262.

.0907 DISCOUNT FOR TIMELY FILING AND PAYMENT

(a) Distributors and wholesale dealers liable for the soft drink excise tax under G.S. 105-113.51 and who file timely reports may deduct a four percent discount from taxes due on:

- (1) bottled soft drinks sold at retail.
- (2) bottled soft drinks sold in excess of the first 15,000 gross (2,160,000 bottles) sold at wholesale from October 1 to September 30 of each year. This discount does not apply to bottled soft drinks tax due under the 15,000 gross reduced rate [one-half cent (1/2¢ per bottle)] on wholesale sales.
- (3) wholesale or retail sales of base products.
- (4) bottled soft drinks and base products purchased non-tax-paid using a soft drink certificate of liability and sold in a taxable transaction.

(b) Retail dealers liable for the soft drink excise tax under G.S. 105-113.51 and who file timely reports may deduct a 4 percent discount from total taxes due on retail sales of bottled soft drinks and base products for the month. Retail dealers are not required to be licensed or make monthly reports when they purchase only taxpaid soft drink products.

(c) Failure to file a timely report with tax due for the month will result in the Department of Revenue disallowing the four percent discount for timely payment and adding General Statute penalties and interest for late filing/failure to pay when due.

Authority G.S. 105-113.51; 105-113.52; 105-262.

.0908 INVOICING REQUIREMENTS

(a) Sales invoices of distributors and wholesalers, whether resident or nonresident, liable for the tax shall indicate payment of the excise tax on bottled soft drinks and base products by the wording "North Carolina Soft Drink Tax Paid."

(b) All sales invoices of nonresident distributors or wholesalers shall show the point of origin and mode of transportation reflecting how the soft drink products come into North Carolina and are delivered to the North Carolina account for all shipments of bottled soft drinks or base products into this State.

(c) Distributors and wholesalers who are presented a soft drink certificate of liability by a distributor, wholesale dealer, or retail dealer must indicate on the sales invoices to the presenter of the certificate the wording "Sold Under a Soft Drink Certificate of Liability" for all future non-tax-paid sales of bottled soft drinks or base products.

Authority G.S. 105-113.51; 105-113.58; 105-262.

SECTION .1000 - LIABILITY FOR THE SOFT DRINK EXCISE TAX

.1001 LIABILITY UNDER G.S. 105-113.51(a)

(a) The distributor or retail dealer who first manufactures and distributes the soft drink products in this State is liable for payment of the soft drink excise tax.

(b) The distributor, wholesale dealer or retail dealer who brings soft drink products into this State is liable for the payment of the excise tax. Examples are:

- (1) The out-of-state distributor, wholesale dealer or retail dealer who brings such products into the State on its own truck.
- (2) The in-state distributor, wholesale dealer or retail dealer who brings such products into the State on its own truck.

(c) The distributor, wholesale dealer or retail dealer who first receives or handles the soft drink products in this State is liable for the payment of the soft drink excise tax. Examples are:

- (1) The distributor, wholesale dealer or retail dealer who is the original consignee of any soft drink products manufactured or produced outside this State.
- (2) The in-state distributor, wholesale dealer or retail dealer who first receive such products from outside the State by common carrier or contract carrier.

Authority G.S. 105-113.51; 105-262.

.1003 LIABILITY UNDER G.S. 105-113.51(b) - SOFT DRINK CERTIFICATE OF LIABILITY

(a) Presentation of a soft drink certificate of liability (certificate of liability) to a distributor or wholesale dealer authorizes the distributor or wholesale dealer to sell non-tax-paid bottled soft drinks or non-tax-paid base products to the distributor, wholesale dealer, or retail dealer who presents the certificate; it releases the distributor or wholesale dealer from liability for any tax due on the sale and transfers the liability to the distributor, wholesale dealer, or retail dealer who presents the certificate.

(b) A resident distributor, wholesale dealer, or retail dealer who desires to purchase non-tax-paid bottled soft drinks or non-tax-paid base products from a distributor or wholesale dealer liable for the tax under G.S. 105-113.51(a) may obtain from the Secretary a Form B-B-60 COL, Soft Drink Certificate of Liability for that purpose. The distributor, wholesale dealer, or retail dealer who desires a certificate of liability must:

- (1) be registered with the Secretary as a soft drink licensee under G.S. 105-113.50;
- (2) make a written request for the certificate to the Secretary on company letterhead, signed by an officer or other authorized person for the company.

(c) The distributor, wholesale dealer, or retail dealer who is issued a certificate of liability by the Secretary must present a certificate completed in its entirety to the distributor or wholesale dealer liable for the tax under G.S. 105-113.51(a) in order to purchase non-tax-paid bottled soft drinks or base products.

(d) The distributor, wholesale dealer, or retail dealer who is issued a certificate of liability by the Secretary and who presents a certificate completed in its entirety to purchase non-tax-paid soft drink products is liable for the full rate of tax on all purchases made from the date the certificate is presented to a distributor or wholesale dealer and the soft drink products are subsequently sold in a taxable transaction.

(e) A retail dealer shall not present a certificate of liability to another retail dealer.

(f) A distributor or wholesale dealer, whether resident or nonresident, and liable for tax under G.S. 105-113.51(a), to whom a completed certificate is presented must accept the certificate. The distributor or wholesale dealer accepting the certificate of liability must:

- (1) make all future sales of bottled soft drinks or base products non-tax-paid to the person who presents the executed certificate;
- (2) indicate on the sales invoice that the non-tax-paid soft drinks or base products are sold under a certificate of liability by the wording, "Sold under a soft drink certificate of liability";
- (3) provide to the Department, as part of the monthly soft drink excise tax report, a copy of the fully executed certificate of liability received for that month.

(g) A certificate of liability applies prospectively to all sales made by the distributor or wholesale dealer on or after the date

the certificate is received from a particular customer.

(h) ~~The certificate of liability remains in effect until the presenter of the certificate provides the distributor or wholesale dealer written notice, on company letterhead and signed by an officer or other authorized person for the presenter, advising the specific date that the certificate no longer applies to purchases from the distributor or wholesale dealer. The distributor or wholesale dealer who receives a notice revoking a certificate must submit, as part of the soft drink monthly report, a copy of the revocation letter with the next soft drink monthly report due.~~

(i) ~~The distributor, wholesale dealer, or retail dealer who presents the certificate and the distributor wholesale dealer who accepts the certificate must keep a copy of the executed certificate of liability on file together with a copy of any letter or rescission for a period of at least three years. These records must be maintained in such a manner as can be inspected and audited at any time by the Secretary or a representative of the Secretary.~~

(j) ~~A soft drink certificate of liability is not transferable or assignable and is to be used only by the licensee issued the certificate by the Secretary.~~

Authority G.S. 105-113.51; 105-262.

TITLE 19A - DEPARTMENT OF TRANSPORTATION

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Department of Transportation-Division of Highways intends to amend the rule cited as 19A NCAC 02D .0406. Notice of Rule-making Proceedings was published in the Register on May 15, 1998.

Proposed Effective Date: May 1, 1999

Instructions on How to Demand a Public Hearing: A demand for a public hearing must be made in writing and mailed to Emily Lee, NC Department of Transportation, PO Box 25201, Raleigh, NC 27611. The demand must be received within 15 days of this notice.

Reason for Proposed Action: To comply with the Pedestrian Policy adopted by the Board of Transportation on August 6, 1993. The Board of Transportation Policy was adopted as a result of federal ISTEA requirements. Changes in the federal legislation placed a higher priority on funding for sidewalks. The proposed amendments will bring the NCAC into agreement with the previously adopted Board policy and the current DOT highway project planning procedures.

Comment Procedures: Any interested person may submit written comments on the proposed rule by mailing the comments to Emily Lee, NC Department of Transportation, PO Box 25201, Raleigh, NC 27611 by October 1, 1998.

Fiscal Note: This Rule does not affect the expenditures or revenues of state or local government funds. This Rule does not

have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 2 - DIVISION OF HIGHWAYS

SUBCHAPTER 2D - HIGHWAY OPERATIONS

SECTION .0200 - LANDSCAPE

.0406 CONSTRUCTION AND MAINTENANCE OF SIDEWALKS

(a) When a highway construction project having to do with the widening of an existing street requires that an existing sidewalk be torn up to make room for the widening, the Department of Transportation shall replace the sidewalk.

(b) For construction and widening projects where sidewalks did not originally exist, the Department of Transportation shall not participate in the construction of the sidewalks. If adequate right of way is available, the Department of Transportation will grade out a level walking area in the strip from the back of the curb to the right of way. The municipality may, at its own discretion, construct sidewalks. If the municipality desires sidewalks as a part of the construction project, they will be constructed and the city will reimburse the Department of Transportation for the cost of the sidewalks by appropriate municipal agreement.

(c) In unusual hardship cases where heavy pedestrian traffic must make use of an existing road and creates a dangerous situation, particularly at schools beyond the corporate limits of municipalities, the Department of Transportation will consider on an individual basis the construction of some graded-out area for a sidewalk. Approval of the sidewalk construction must be by the Board of Transportation.

(b) The Department shall evaluate the need for sidewalks in the planning process. The Department shall assess information provided by the local government, Transportation Advisory Committee, and departmental engineering studies.

(c) The Department shall analyze the existing and projected future need for a pedestrian facility in every major highway project planning report. The Department may construct a sidewalk if the need is documented and funding is available.

(d) The Department and the local sponsor shall negotiate financial responsibilities for a new sidewalk based on planning studies.

(e) The Department shall execute a pedestrian facilities maintenance agreement specifying responsibility for long term maintenance with the lead government entity or other local sponsor prior to construction for a proposed sidewalk.

Authority G.S. 136-66.1; 143B-346; 143B-350(f); 143B-350(g); 23 U.S.C. 133; 23 U.S.C. 217.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 1 - NORTH CAROLINA ACUPUNCTURE LICENSING BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Acupuncture Licensing Board intends to amend the rules cited as 21 NCAC 01 .0101; adopt rule 21 NCAC 01 .0105. Notice of Rule-making Proceedings was published in the Register on May 15, 1998.

Proposed Effective Date: April 1, 1999

A Public Hearing will be conducted at 10:00 a.m. on September 30, 1998 at Management Concepts, 1418 Aversboro Road, Garner, NC 27529.

Reason for Proposed Action: 21 NCAC 01 .0101 - The purpose of this amendment is to update agency names as referred to in the rules and to correct a critical clerical error in the original rule. 21 NCAC 01 .0105 - The purpose is to establish qualifications for licensure through reciprocity.

Comment Procedures: Any person may submit comments to the Board orally or in writing no later than October 1, 1998 to Diana Mills at the NC Acupuncture Licensing Board, 1418 Aversboro Road, Garner, NC 27529.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

SECTION .0100 - LICENSURE

.0101 QUALIFICATIONS FOR LICENSURE

In addition to and for the purposes of meeting the requirements of G.S. 90-455 an applicant for licensure to practice acupuncture shall:

- (1) Submit a completed application.
- (2) Submit fees as required by Rule .0103 of this Section.
- (3) Submit proof of a score of not less than 70% on the National Commission for the Certification of Acupuncturists (NCCA) National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) certifying examination acupuncture written & point location exams or a score of not less than 70% from any state utilizing the NCCA NCCAOM examination.
- (4) Submit a certified copy, certified by the issuing institution, of a transcript including evidence of graduation from a three-year postgraduate acupuncture college, accredited by, or in candidacy status by, the Accreditation Commission for Acupuncture and Oriental Medicine, or, if outside of the U.S., the California Acupuncture Committee,

- (5) Submit proof of successful completion of the Clean Needle Technique course offered by the Council of Colleges of Acupuncture and Oriental Medicine (CCAOM).
- (6) With any document that is not in English in its original form, submit a translation of it into English by someone other than the applicant. Each translated document shall have affixed to it a notarized statement of the translator certifying that he or she is competent in both the language of the original document and English and that the translation is a true and complete translation of the foreign language original. The applicant shall assume the cost of any document necessary for a complete application.
- (7) Submit all correspondence to North Carolina Acupuncture Licensing Board, P.O. Box 25171, Asheville, NC 28803, 1418 Aversboro Road, Garner, NC 27529.

Authority G.S. 90-454; 90-455.

.0105 QUALIFICATIONS FOR LICENSURE THROUGH LICENSE RECIPROCITY

An applicant for licensure to practice acupuncture in North Carolina shall:

- (1) Submit a completed application;
- (2) Submit fees as required by Rule .0103 of this Section;
- (3) Have submitted directly to the North Carolina Acupuncture Licensing Board, an official original letter from the licensing board of another jurisdiction with whom the North Carolina Acupuncture Licensing Board has a reciprocal licensing agreement, verifying that the applicant is currently licensed and in good standing in such jurisdiction.

Authority G.S. 90-454; 90-455.

CHAPTER 18 - BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC State Board of Examiners of Electrical Contractors intends to adopt the rule cited as 21 NCAC 18B .0706; amend the rules cited as 21 NCAC 18B .0108, .0201-.0203, .0402, .0406, .0501, .0504-.0505, .0701-.0704, .1101-.1102, .1104-.1105 and repeal the rules cited as 21 NCAC 18B .1001-.1004. Notice of Rule-making Proceedings was published in the Register on May 15, 1998.

Proposed Effective Date: March 1, 1999

A Public Hearing will be conducted at 2:00 p.m. on October 7, 1998 at the Offices of State Board of Examiners of Electrical Contractors, 1200 Front Street, Suite 105, Raleigh, NC 27609.

Reason for Proposed Action: The Board and its staff see the

need to study the rules periodically, for needed changes. The Board and staff studied all existing rules to determine whether any rules need to be amended or repealed and whether any new rules are needed. After careful study, Board and staff saw the need to amend some rules, repeal some rules, and adopt one rule.

Comment Procedures: Interested parties may submit written comments to the State Board of Examiners of Electrical Contractors, PO Box 18727, Raleigh, NC 27619-8727, by mail, or by hand delivery to the Board at 1200 Front Street, Suite 105, Raleigh, NC 27609. Written statements must be delivered no later than the date and time of the public hearing. Also, oral statements may be made at the public hearing.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

SUBCHAPTER 18B - BOARD'S RULES FOR THE IMPLEMENTING OF THE ELECTRICAL CONTRACTING LICENSING ACT

SECTION .0100 - GENERAL PROVISIONS

.0108 PETITION FOR RULE-MAKING PROCEDURES

(a) Any person wishing to request the Board to adopt, amend, or repeal a rule shall address file a petition to with the Board at the Board's address, pursuant to G.S. 150B-20, by mail or personal delivery. The petition shall be signed by the petitioner and shall include the petitioner's address.

(b) There is no particular form required for the petition; however, the petitioner should include the following information: petition.

- (1) an indication of the subject area to which the petition is directed and an identification of the rule to be amended or repealed;
- (2) either a draft of the proposed rule or a summary of its contents;
- (3) reasons for the proposal;
- (4) the effect of the proposal on existing rules or orders;
- (5) any data supporting the proposal; and
- (6) name(s) and address(es) of petitioner(s).

(c) The Board will determine whether the public interest will be served by granting the petitioner's request. The Board shall grant the petition if it finds the requested rule change would comply with the requirements of law and, if so, it would likely serve the public interest. Prior to making this determination, the Board may request additional information from the petitioner(s); petitioner and may contact interested persons or persons likely to be affected by the proposal and request their comments, or may use any other appropriate method for obtaining comments in order to obtain information upon which to base the determination of public interest. Before granting or denying the petition, The Board shall consider all of the

contents of the petition submitted and plus any other information filed with or obtained by the means described herein: Board.

Authority G.S. 87-42; 150B-20.

SECTION .0200 - EXAMINATIONS

.0201 REQUIREMENTS FOR ALL EXAMINATION APPLICANTS

(a) To take an examination in any electrical contracting license classification, the applicant must:

- (1) be at least 18 years of age;
- (2) submit the required duly filed application as defined in Rule .0210;
- (3) submit with the application written statements from at least two responsible persons attesting to the applicant's good character; and
- (4) meet any other requirements set out in Paragraph (b) of this Rule.

(b) Examination applicants must meet the following requirements for the specified license classifications:

- (1) Limited classification. An applicant must have at least two four years of primary experience or experience, as defined in Rule .0202 of this Section, of which at least one year two years shall be of primary experience experience, supplemented by secondary experience equivalent to one year of supplementary primary experience as defined in Rule .0202 of this Section. The balance of experience may be primary, secondary or both.
- (2) Intermediate classification. An applicant must have at least four six years of primary experience or experience, as defined in Rule .0202 of this Section, of which at least two and one-half years of four years shall be primary experience experience, supplemented by secondary experience equivalent to one and one-half years of supplementary primary experience as defined in Rule .0202 of this Section. The balance of experience may be primary, secondary or both.
- (3) Unlimited classification. An applicant must:

- (A) have at least five seven years of primary experience or experience, as defined in Rule .0202 of this Section, of which at least four five years of shall be primary experience experience, supplemented by secondary experience equivalent to one year of supplementary primary experience as defined in Rule .0202 of this Section; The balance of experience may be primary, secondary or both, and
- (B) submit with his the application written statements from at least two responsible persons, who are knowledgeable of the applicant's electrical experience, attesting to the applicant's ability to satisfactorily supervise and direct all electrical wiring or electrical installation work done by an electrical contracting business in the unlimited

classification.

- (4) Single family detached residential dwelling (SP-SFD) classification. An applicant must have at least ~~two~~ four years of ~~primary experience or experience, as defined in Rule .0202 of this Section, of which at least one year of two years shall be primary experience~~ experience, supplemented by secondary experience equivalent to one year of supplementary primary experience as defined in Rule .0202 of this Section. The balance of experience may be primary, secondary or both.
- (5) Special restricted low voltage (SP-LV) classification. An applicant must have at least ~~two~~ three years of ~~primary experience or experience, as defined in Rule .0202 of this Section, of which at least one year of two years shall be primary experience~~ experience, supplemented by secondary experience equivalent to one year of supplementary primary experience as defined in Rule .0202 of this Section. The balance of experience may be primary, secondary or both. An applicant in this classification must ~~may~~ also receive creditable experience for service in any of the capacities listed in Rule .0202 ~~which he that the applicant~~ gained in the low voltage field.
- (6) Special restricted elevator (SP-EL) classification. An applicant must:
 - (A) have at least four years of ~~primary experience or experience, as defined in Rule .0202 of this Section, of which at least two and one-half years of shall be primary experience~~ experience, supplemented by secondary experience equivalent to one and one-half years of supplementary primary experience as defined in Rule .0202 of this Section. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 ~~which he that the applicant~~ gained in the elevator field, field, and
 - (B) include on ~~his~~ the application information verifying that ~~he~~ the applicant is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful elevator business in this ~~state.~~ State.
- (7) Special restricted plumbing and heating (SP-PH) classification. An applicant must:
 - (A) have at least ~~two~~ three years of ~~primary experience or experience, as defined in Rule .0202 of this Section, of which at least one year of two years shall be primary experience~~ experience, supplemented by secondary experience equivalent to one year of supplementary primary experience as defined in Rule .0202 of this Section. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 ~~which he that the applicant~~ gained in the plumbing, heating or air conditioning field, field, and
 - (B) include on ~~his~~ the application information verifying that ~~he~~ the applicant is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful plumbing, heating or air conditioning business in this ~~state.~~ State.
- (8) Special restricted ground water pump (SP-WP) classification. An applicant must:
 - (A) have at least two years of ~~primary experience or experience, as defined in Rule .0202 of this Section, of which at least one year of shall be primary experience~~ experience, supplemented by secondary experience equivalent to one year of supplementary primary experience as defined in Rule .0202 of this Section. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 ~~which he that the applicant~~ gained in the ground water pump field, field, and
 - (B) include on ~~his~~ the application information verifying that ~~he~~ the applicant is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful ground water pump business in this ~~state.~~ State.
- (9) Special restricted electric sign (SP-ES) classification. An applicant must:
 - (A) have at least two years of ~~primary experience or experience, as defined in Rule .0202 of this Section, of which at least one year of shall be primary experience~~ experience, supplemented by secondary experience equivalent to one year of supplementary primary experience as defined in Rule .0202 of this Section. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience in any of the capacities listed in Rule .0202 ~~which he that the applicant~~ gained in the electric sign field, field, and
 - (B) include on ~~his~~ the application information verifying that ~~he~~ the applicant is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful electric sign business in this ~~State.~~ State.
- (10) Special restricted swimming pool (SP-SP) classification. An applicant must:
 - (A) have at least two years of ~~primary experience or experience, as defined in Rule .0202 of this~~

- (B) Section, of which at least one year of shall be primary experience experience, supplemented by secondary experience equivalent to one year of ~~supplementary~~ primary experience as defined in Rule .0202 of this Section. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 ~~which he that the applicant~~ gained in the swimming pool ~~field~~ field, and include on his the application information verifying that ~~he the applicant~~ is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful swimming pool business in this ~~state~~ State.

Authority G.S. 87-42; 87-43.3; 87-43.4; 87-44.

.0202 EXPERIENCE

(a) Primary. Primary experience shall mean working experience gained by the applicant while engaged actively and directly in the installation of electrical wiring and equipment governed by the National Electrical Code or work activities directly related thereto. Examples of the capacity in which a person may work in gaining primary experience include:

- (1) journeyman electrician or electrician ~~mechanic~~ mechanic, both meaning the same;
- (2) electrical foreman;
- (3) electrical general foreman;
- (4) electrical superintendent;
- (5) electrical general superintendent;
- (6) estimator for licensed electrical contractor;
- (7) electrical inspector recognized as such by the State Department of Insurance;

- (8) time spent by a registered professional engineer who is responsible for follow-up project supervision, beyond the point of delivery, in electrical engineering, design, or consulting;
- (9) ~~full-time instructor teaching National Electrical Code and related electrical courses at a community college, technical institute, college, or similar institution;~~
- (10)(9) maintenance journeyman electrician or electrician mechanic employed in a full-time electrical maintenance department;
- (11)(10) time actually spent in electrical maintenance by a maintenance journeyman electrician or electrician mechanic regularly employed in other than a full-time electrical maintenance department;
- (12)(11) military person holding an electrician rating or rank of at least E-4 who is engaged in land based electrical installations similar or equivalent to work performed by an electrical contractor;
- (13)(12) time actually spent in part-time or incidental work in any primary experience category.

In calculating accumulative primary experience, a total of 2,000 hours shall equal one creditable year. The total number of creditable years shall be calculated by dividing the total hours of primary experience by 2,000. Example: Individual Applicant has worked in primary capacity for a total of 7,200 hours of primary experience.

$$\frac{7,200}{2,000} = 3.6 \text{ years creditable primary work experience}$$

(b) Secondary. Secondary experience shall mean working experience gained while engaged in work or training ~~which that~~ is related in varying degrees to the installation of electrical wiring and equipment governed by the National Electrical Code. Examples of the type of work or training in which a person may engage to gain creditable secondary experience and the percentages of ~~supplementary primary experience~~ for creditable ~~from~~ secondary experience are as follows:

	Percentage
(1) journeyman electrician or electrician ~~mechanic~~ <u>mechanic</u> , both meaning the same;	100
(2) apprentice electrician or helper other than as described in Items (1) and (3) of this list;	80
(3) time actually spent in electrical maintenance by a maintenance apprentice or electrician helper regularly employed in other than a full-time electrical maintenance department;	80
(4) ~~electrical engineering courses at a college; instructor teaching National Electrical Code and related electrical courses at a university, college, community college, technical institute, high school or vocational school;~~	50
(5) ~~electrical courses at a technical institute or by correspondence; student satisfactorily completing National Electrical Code and related electrical courses at a university, college, community college, technical institute, high school or vocational school;~~	60 50
(6) ~~electrical courses at a high school or vocational school;~~	40
(7)(6) time spent by a <u>registered professional</u> engineer who is not responsible for follow-up project supervision, beyond the point of delivery, in electrical engineering, design, or consulting;	50

(8)(7) electrical construction design under the supervision of a registered professional engineer;	50
(9)(8) sales engineering representative for an electrical wholesaler, distributor, or manufacturer;	25 20
(10)(9) appliance service and repair;	40 20
(11)(10) electric utility lineman;	25 10
(12)(11) electric utility serviceman.	40 20

In calculating accumulative secondary experience, a total of 2,000 hours shall equal one creditable year. The total number of creditable years shall be calculated by applying the percentage for creditable secondary experience and dividing the remainder hours by 2,000. Examples of conversion of secondary experience to primary experience: Example: Applicant has 1,000 hours of work experience as a helper or regular apprentice and 2,200 hours of experience while enrolled in an approved apprentice training program: 1,100 hours at 80 percent = 800 hours supplementary primary secondary experience; 2,200 hours at 100 percent = 2,200 hours supplementary primary secondary experience:

$$\frac{800 + 2,200}{2,000} = 1.5 \text{ years creditable supplementary primary secondary experience}$$

(c) Other Experience. An applicant may submit for evaluation by the Board information on work, training or education he feels is The Board shall approve other experience that it finds to be equivalent or similar to the primary or secondary experience defined in this Rule.

Authority G.S. 87-42; 87-43.3; 87-43.4.

.0203 EXAMINATION SCOPE

(a) General. In addition to the examination scope subjects specified in G.S. 87-42, qualifying examinations for each license classification shall include permit and inspection requirements, business practices and the North Carolina laws statutes and rules applicable to electrical contracting, contracting, including revenue license requirements and permit and inspection requirements.

(b) Variation in Scope. The examinations for each license classification shall be based on a level of technical and practical knowledge concerning the safe and proper installation of electrical work and equipment which is appropriate and that corresponds to the electrical contracting work authorized under each license classification.

Authority G.S. 87-42; 87-43.3; 87-43.4.

SECTION .0400 - LICENSING REQUIREMENTS

.0402 LICENSE NAME REQUIREMENTS

(a) Issuance of License. No license shall be issued by the Board in a name which is the same as or similar to The name in which a license is issued must be distinguishable upon the records of the Board from the name in which a license has already been issued. The Board's staff shall determine whether or not the name requested on a license application is the same as

or similar to the name in which a license has already been issued. If any license applicant objects to the staff's determination, he may appeal to the Board for a final determination. If the name requested, after deleting all spaces, punctuation marks, articles, prepositions, conjunctions and, whether abbreviated or not, "corporation," "incorporated," "company," or "limited," is not identical to the name in which a license has already been issued, it shall be distinguishable. The substitution of a numeral for a word that represents the same numeral shall not make the name distinguishable.

(b) Name In Which Business Must Be Conducted. All electrical contracting business, including all business advertising and the submission of all documents and papers, conducted in the state of North Carolina by a licensee of the Board shall be conducted in the exact name in which the electrical contracting license is issued.

(c) Notification of Address and Telephone Change. All licensees shall notify the Board in writing within 30 days of any change in location or mailing address and telephone number.

Authority G.S. 87-42.

.0406 RENEWAL AFTER EXPIRATION OF ANNUAL LICENSE

(a) Subject to Rule .0906 of this Subchapter, any licensee whose license has expired solely because of failure to apply for renewal may apply and have its the license renewed without further examination, and in compliance with the penalty provisions contained in G.S. 87-44, if that the applicant makes application therefore within a period of 12 months immediately following the date the license expired.

(b) If the application is filed later than 12 months immediately following the date the license expired, the applicant may have the license renewed if, during the 12 month period immediately preceding the date the application is filed with the Board, the applicant's listed qualified individual has been primarily, actively and lawfully engaged (at least 1,000 hours) as an electrical contractor or for at least 1,000 hours in an occupation which in the judgement of the Board is similar or equivalent to that of an electrical contractor, of primary experience as defined in Rule .0202 of this Subchapter or completed 18 contact hours of approved continuing education. Lawful work as defined under primary experience in Rule .0202 of this Subchapter shall be considered as similar or equivalent to that of an electrical contractor. If the

(c) An applicant fails failing to meet these requirements, the requirements of Paragraphs (a) or (b) of this Rule it may obtain a new license in accordance with Section .0200 of this

Subchapter and Rule .0401 of this Section.

(b) (d) The provisions of Section .0600 of this Subchapter apply to applicants whose last license expired on or before June 30, 1970.

Authority G.S. 87-42.

SECTION .0500 - LICENSING OPTIONS

.0501 RECLASSIFICATION OF CURRENT LICENSE

(a) ~~Any~~ A licensee ~~has the unrestricted right to may lower have the license classification of his license lowered from unlimited or to intermediate or limited, or from to intermediate or limited to limited, by:~~

- (1) ~~filing a written request with the Board Board, in writing, specifically requesting a request for the lowering of his the license classification; and~~
- (2) ~~surrendering his the current license certificate to the Board for replacement as requested.~~

(b) A licensee may have a license that was lowered pursuant to Paragraph (a) of this Rule raised to a classification up to and including that classification from which it was lowered by:

- (1) filing with the Board, in writing, a request for the raising of the license classification;
- (2) surrendering the current license certificate to the Board for replacement as requested; and
- (3) paying the applicable license fee. If a change is made prior to the expiration of a current license, the fee shall be the difference between the annual license fee for the existing license and the annual license fee for the new class license requested. If the change is made at the expiration date, the fee shall be the annual license fee for the class license requested.

(b)(c) A limited or intermediate licensee whose license has not been lowered pursuant to Paragraph (a) of this Rule may have the license classification of his current license raised to intermediate or unlimited by:
submitting:

- (1) an application on a form furnished by the Board indicating the classification of the license desired;
- (+)(2) meeting all the requirements for the classification in effect when the application is made, including taking and passing the examination; and
- (2)(3) paying the applicable license fee. If a change is made prior to the expiration of a current license, the fee will shall be the difference between the annual license fee for the existing license and the annual license fee for the new class license requested. If the change is made at the expiration date, the fee will shall be the annual license fee for the class license requested.

(e) (d) Licenses in the single family detached residential dwelling (SP-SFD) classification and in any special restricted classification are not subject to reclassification. A change in these classifications can be effected only on the basis of a new application subject to all of the normal processing and examination requirements.

Authority G.S. 87-42; 87-43.3; 87-43.4.

.0504 ONCE LISTED BUT NOT NOW LISTED

(a) ~~An A~~ A ~~qualified individual who has once been was formerly~~ but is not now ~~indicated~~ listed on any license may apply for and obtain ~~his own~~ a license upon meeting all current licensing requirements ~~he has not previously met and by~~ submitting to the Board:

- (1) ~~his a~~ his a license application on a form furnished by the Board;
- (2) payment of the appropriate license fee; and
- (3) if more than 12 months has elapsed since the listed qualified individual was indicated listed on an active license, information verifying that, during the immediate past twelve months, he has been primarily, actively and lawfully engaged (at least 1000 hours) in an occupation which in the judgment of the Board is similar or equivalent to that of an electrical contractor. Lawful work as defined under primary experience in Rule .0202 of this Subchapter shall be considered as similar or equivalent to that of an electrical contractor. 12 month period immediately preceding the date the application is filed with the Board, the qualified individual has engaged for at least 1,000 hours in an occupation of primary experience as defined in Rule .0202 of this Subchapter or completed 18 contact hours of approved continuing education.

(b) A qualified individual who was formerly but is not now listed on any license may be listed on a current active license in the same or a lower classification as the classification of examination passed by submitting to the Board:

- (1) a written request from the licensee, co-signed by the qualified individual, requesting the Board to list the qualified individual on the license;
- (2) the licensee's current license certificate; and
- (3) if more than 12 months has elapsed since the qualified individual was listed on an active license, information verifying that, during the 12 month period immediately preceding the date the application is filed with the Board, the qualified individual has engaged for at least 1,000 hours in an occupation of primary experience as defined in Rule .0202 of this Subchapter or completed 18 contact hours of approved continuing education.

Authority G.S. 87-42; 87-43.

.0505 QUALIFIED INDIVIDUAL: NEVER LISTED NOR OBTAINED LICENSE

An A ~~qualified individual who has once taken and~~ passed the qualifying examination for a license but has never obtained a license nor been a listed qualified individual on any license shall:

- (1) be eligible to obtain a license in the same or lesser lower classification as the classification of examination he passed upon meeting any all current licensing requirements he has not previously met and by submitting to the Board:
 - (a) his a his a license application on a form furnished by the Board;
 - (b) payment of the appropriate license fee; and

- (c) if more than ~~twelve~~ 12 months have ~~has~~ elapsed since the qualified individual took and passed the qualifying examination for a license, information verifying that, during the ~~immediate past 12 months, he has been~~ immediate past 12 months, he has been ~~primarily, actively and lawfully engaged (at least 1000 hours) in an occupation which in the judgment of the Board is similar or equivalent to that of an electrical contractor. Lawful work as defined under primary experience in Rule .0202 of this Subchapter shall be considered as similar or equivalent to that of an electrical contractor.~~ 12 month period immediately preceding the date the application is filed with the Board, the qualified individual has engaged for at least 1,000 hours in an occupation of primary experience as defined in Rule .0202 of this Chapter or completed 18 contact hours of approved continuing education.
- (2) be eligible to be included as ~~an additional~~ a listed qualified individual on a current active license in the same or a lesser lower classification as the classification of examination he passed upon submitting to the Board:
- (a) a written request from the licensee, co-signed by the qualified individual, requesting the Board to include list the qualified individual as ~~one of the listed qualified individuals on his or his firm's~~ the license;
- (b) the licensee's current license certificate; and
- (c) if ~~no~~ more than 12 months have ~~has~~ elapsed since the individual took and passed the qualifying examination for a license, information verifying that, during the ~~immediate past 12 months, he has been~~ immediate past 12 months, he has been ~~primarily, actively and lawfully engaged (at least 1000 hours) in an occupation in which the judgement of the Board is similar or equivalent to that of an electrical contractor. Lawful work as defined under primary experience in Rule .0202 of this Subchapter shall be considered as similar or equivalent to that of an electrical contractor.~~ 12 month period immediately preceding the date the application is filed with the Board, the qualified individual has engaged for at least 1,000 hours in an occupation of primary experience as defined in Rule .0202 of this Chapter or completed 18 contact hours of approved continuing education.

Authority G.S. 87-42; 87-43.

SECTION .0700 - LICENSING RECIPROCITY

SOUTH CAROLINA LICENSEE

Limited
Intermediate
Unlimited

.0701 GENERAL REQUIREMENTS

(a) The Board may enter into ~~formal~~ reciprocal agreements with contracting licensing boards of other states whereby ~~nonresident~~ electrical contractors licensed by the other state boards may obtain a North Carolina electrical contracting license without written examinations provided:

- (1) ~~The~~ the applicant furnishes to the Board a written statement from ~~his~~ the state licensing board certifying that ~~he~~ the applicant holds a current electrical contracting license issued by that board;
- (2) ~~The~~ the proposed qualified individual for the applicant is the same individual who is duly qualified for the license currently issued to the applicant by ~~his~~ the state licensing board;
- (3) ~~The~~ the applicant files an application on a form provided by the Board requesting a license under the ~~formal~~ licensing reciprocity agreement currently in effect between the Board and the applicant's state licensing board;
- (4) ~~Except except~~ for the written examination requirement, the applicant ~~furnished~~ furnishes to the Board information satisfactorily verifying to the Board that he meets all of the requirements in Sections .0200, .0300 and .0400 of this Subchapter applicable to the specific license classification requested; and
- (5) ~~The~~ the applicant ~~furnishes~~ pays to the Board ~~his a check or money order~~ for the annual license fee as required in Rule .0404 of this Subchapter for the specific license classification requested.

(b) The expiration date for each license issued under a ~~formal~~ reciprocal agreement shall be as prescribed in G.S. 87-44.

(c) The renewal application due date and late filing penalty for a license issued under a ~~formal~~ reciprocal agreement shall be as prescribed in Rule .0405 of this Subchapter.

(d) ~~Exact copies of all formal reciprocal agreements entered into by the Board shall be filed with the North Carolina Secretary of State and the North Carolina Attorney General.~~

Authority G.S. 87-42; 87-50.

.0702 RECIPROCITY: SOUTH CAROLINA

Pursuant to the provisions of Rule .0701 of this Section and the ~~formal resolution reciprocal~~ agreement between the Board and the South Carolina Licensing Board for Contractors, licensees of the South Carolina Board, ~~who are non-residents of North Carolina, board~~ are eligible to apply for and obtain a North Carolina electrical contracting ~~license~~ license, and North Carolina ~~licensees, who are non-residents of South Carolina,~~ licensees are eligible to apply to the South Carolina board and obtain a South Carolina electrical contracting license in classifications as prescribed in the following table:

ELIGIBLE FOR NORTH CAROLINA LICENSE

Limited or intermediate
Limited, intermediate or unlimited
Limited, intermediate or unlimited

NORTH CAROLINA LICENSEE

Intermediate
Unlimited

ELIGIBLE FOR SOUTH CAROLINA LICENSE

Limited or intermediate
Limited, intermediate or unlimited

Authority G.S. 87-42; 87-50.

.0703 RECIPROCITY: VIRGINIA

Pursuant to the provisions of Rule .0701 of this Section and the ~~formal resolution~~ reciprocal agreement between the Board and the Virginia Board for Contractors, licensees of the Virginia ~~Board, who are non-residents of North Carolina, board~~ are eligible to apply for and obtain a North Carolina electrical contracting ~~license; license, and North Carolina licensees, who are non-residents of Virginia,~~ licensees are eligible to apply to the Virginia ~~Board board~~ and obtain a Virginia electrical contracting license in classifications as prescribed in the following table:

VIRGINIA LICENSEE

Class B
Class A

ELIGIBLE FOR NORTH CAROLINA LICENSE

Limited or intermediate
Limited, intermediate or unlimited

NORTH CAROLINA LICENSEE

Intermediate
Unlimited

ELIGIBLE FOR VIRGINIA LICENSE

Class A or Class B
Class A or Class B

Authority G.S. 87-42; 87-50.

.0704 RECIPROCITY: ALABAMA

Pursuant to the provisions of Rule .0701 of this Section and the ~~formal resolution~~ reciprocal agreement between the Board and the Alabama Electrical Contractors Licensing Board, licensees of the Alabama ~~board, who are non-residents of North Carolina, board~~ are eligible to apply for and obtain a North Carolina electrical contracting ~~license license, and North Carolina licensees, who are non-residents of Alabama, licensees~~ are eligible to apply to the Alabama ~~Board board~~ and obtain a an Alabama electrical contracting license in classifications as prescribed in the following table:

ALABAMA LICENSEE

Unrestricted

ELIGIBLE FOR NORTH CAROLINA LICENSE

Unlimited

NORTH CAROLINA LICENSEE

Unlimited

ELIGIBLE FOR ALABAMA LICENSE

Unrestricted

Authority G.S. 87-42; 87-50.

.0706 RECIPROCITY: FLORIDA

Pursuant to the provisions of Rule .0701 of this Section and the reciprocal agreement between the Board and the Florida Electrical Contractors Licensing Board, licensees of the Florida board are eligible to apply for and obtain a North Carolina electrical contracting license, and North Carolina licensees are eligible to apply to the Florida board and obtain a Florida electrical contracting license in classifications as prescribed in the following table:

FLORIDA LICENSEE

Unlimited

ELIGIBLE FOR NORTH CAROLINA LICENSE

Unlimited

NORTH CAROLINA LICENSEE

Unlimited

ELIGIBLE FOR FLORIDA LICENSE

Unlimited

Authority G.S. 87-42; 87-50.

**SECTION .1000 - DESCRIPTION OF FORMS,
CERTIFICATES AND PUBLICATIONS**

.1001 FORMS PROVIDED BY THE BOARD

(a) ~~Examination Applications. An application form is provided to a person wishing to apply to take a qualifying~~

~~examination for an electrical contracting license. The form is designed for an applicant to furnish the following information:~~

- (1) ~~date;~~
- (2) ~~name, address and telephone number;~~
- (3) ~~age;~~
- (4) ~~social security number;~~

- (5) whether or not applicant has taken a qualifying examination previously:-
- (6) classification of license for which applicant wishes to qualify and amount of application examination fee;
- (7) educational background;
- (8) experience background;
- (9) character references;
- (10) criminal convictions;
- (11) other references or information applicant wishes the Board to consider;
- (12) authorization for board to research all information submitted on or in support of applicant; and-
- (13) signature of applicant.

(b) Examination Review Applications. Each failing examinee is provided a form for his use in applying for a detailed review of his failed examination. This form is designed for the applicant to furnish the following information:-

- (1) date;
- (2) name, address and telephone number;
- (3) social security number;
- (4) date he took his failed examination:-
- (5) location in which he took his failed examination:-
- (6) examination review fee; and-
- (7) signature of applicant.

(c) License Applicants. Each license applicant is provided with an application form for his use in initially applying for a license. The form is designed for the applicant to furnish the following information:-

- (1) classification of license for which he is applying:-
- (2) name in which he wishes the license to be issued:-
- (3) business mailing and location address:-
- (4) business and home telephone numbers;
- (5) whether business is partnership, corporation or limited liability company and, if so, the names of the partners, the names and titles of officers of the corporation or names of the members of the limited liability company;
- (6) whether business is to be operated part-time or full-time:-
- (7) names, signatures and social security numbers of the listed qualified individuals to be indicated on the license:-
- (8) annual license fee:-
- (9) criminal convictions:-
- (10) authorization for board to research all information submitted on or in support of application:-
- (11) date; and-
- (12) signature and title of applicant.

(d) License Renewal Applications. Each licensee is provided with an annual license renewal application form prior to the expiration of his current annual license. This form is designed for the licensee to furnish the following information:-

- (1) name in which his license is currently issued:-
- (2) whether license is to be renewed in same name or, if not, new name in which he wishes license to be renewed;
- (3) mailing and business location address:-
- (4) business and home telephone numbers:-

- (5) whether business is to be operated part-time or full-time:-
- (6) whether business is partnership, corporation or limited liability company and, if so, the names of the partners, the names and titles of officers of the corporation or names of the members of the limited liability company:-
- (7) names, signatures and social security numbers of the listed qualified individuals to be indicated on new annual license:-
- (8) annual license fee:-
- (9) authorization for board to research all information submitted on or in support of application:-
- (10) date; and-
- (11) signature and title of applicant.

(e) Request for Change of Name or Address in Which License Is Issued. A licensee wishing to change his license name or address is furnished a form for his use in requesting a change of name or address. This form is designed for the licensee to furnish the following information:-

- (1) name and address in which license is currently issued;
- (2) name and address in which license is to be reissued;
- (3) whether business is to be operated part-time or full-time:-
- (4) whether business is partnership, corporation or limited liability company and, if so, the names of the partners, the names and titles of officers of the corporation or names of the members of the limited liability company:-
- (5) certification of listed qualified individual by name and conditions of employment:-
- (6) name and title of person filing request and date of request; and-
- (7) signature of listed qualified individual.

(f) License Applications: South Carolina Reciprocity. These forms are designed for an applicant to furnish the same type of information as is provided on the forms described in Paragraphs (c) and (d) of this Rule, with the following additional information:-

- (1) name in which applicant's current South Carolina license is issued:-
- (2) classification of applicant's South Carolina license:-
- (3) number of current South Carolina license:-
- (4) statement from South Carolina Licensing Board for Contractors certifying the individuals who are qualified under the applicant's South Carolina license and the extent of each individual's qualifications; and
- (5) names, signatures and social security numbers of the listed qualified individuals on South Carolina license and to be indicated as such on North Carolina license.

(g) License Application: Alabama Reciprocity. These forms are designed for the applicant to furnish essentially the same type of information as is provided on the forms described in Paragraphs (c), (d) and (f) of this Rule.

(h) License Application: Virginia Reciprocity. These forms are designed for the applicant to furnish essentially the same type of information as is provided on the forms described in

Paragraphs (c), (d) and (f) of this Rule.

(i) ~~Bonding Ability Statement.~~ A bonding ability statement form is provided to an applicant wishing to obtain a license in either the intermediate or unlimited classification. This form is to be completed by a bonding company duly licensed to issue performance bonds in North Carolina. The form is designed for the bonding company to state its bonding experience with the applicant and amount of performance bond the bonding company would be willing to issue to the applicant on the date the form is completed and signed. The signer's power of attorney must accompany the bonding ability statement form.

(j) ~~Certification of Listed Qualified Individual.~~ This form is provided to any licensee or applicant for a license whose listed qualified individual is someone other than the licensee or applicant for a license. This form is designed for the licensee or applicant for a license to certify who will be the listed qualified individual for the licensee and that the listed qualified individual is, or will be, regularly employed by the licensee and has, or will have, the specific duty and authority to supervise and direct all electrical installation, maintenance, alteration or repair of any electric wiring, devices, appliances or equipment done in the name of the licensee.

(k) ~~Affidavit certifying Bona Fide Employee.~~ This affidavit form is provided to any licensee whose relationship with his employees has been challenged and it is alleged that someone other than his bona fide employee is engaged in electrical work under the auspices of his license. The form must contain the signature and title of the person completing the form and must be notarized. The form is designed for the licensee to furnish information establishing compliance with the requirements of Rule .0306(a)(2) and (3) of this Subchapter.

Authority G.S. 87-42; 150B-11.

.1002 CERTIFICATES

(a) ~~Annual License Certificate.~~ The Board issues an annual license certificate to each eligible licensee. This certificate contains the following information:

- (1) fiscal year for which license is issued;
- (2) classification of license issued;
- (3) name in which license is issued;
- (4) names of all listed qualified individuals;
- (5) date license is issued; and
- (6) signature of chairman and secretary-treasurer of the Board;

(b) ~~Permanent Pocket Card.~~ The Board issues a permanent pocket identification card to each person who has taken and passed the qualifying examination for a license. This card contains the following information:

- (1) the name of examinee;
- (2) classification of examination passed;
- (3) place of examinee's signature.

(c) ~~Permanent Certificate.~~ The Board issues a permanent certificate to each person who has taken and passed a qualifying examination for an electrical contracting license in either the limited, intermediate, or unlimited license classification. This certificate is not a license. It certifies that the person named thereon has met the technical qualification requirements for an

electrical contracting license, and, when duly licensed by the Board, is entitled to engage or offer to engage in the business of electrical contracting in the State of North Carolina.

Authority G.S. 87-39; 87-42; 87-43; 87-43.1; 87-43.3; 87-43.4; 87-44.

.1003 PUBLICATIONS AVAILABLE FROM THE BOARD

The following publications are available from the Board:

- (1) Laws applicable to electrical contracting in the State of North Carolina;
- (2) Rules of the Board, including rules of general applicability and rules applicable to special restricted classifications;
- (3) Information booklet for persons applying to take the qualifying examination for an electrical contracting license in each license classification;
- (4) Annual Continuing Education Information Booklet; and
- (5) The National Electrical Code, NFPA 70, at the current price.

Statutory Authority G.S. 87-42.

.1004 OTHER PUBLICATIONS

Other publications of interest may be obtained as follows:

- (1) North Carolina State Building Code:-
Volume I:-
Volume II:-
Volume III:-
Volume IV-Electrical-
N.C. Department of Insurance-
Post Office Box 26387-
Raleigh, N. C. 27611-
- (2) Statutes and rules applicable to State revenue privilege and bidders license:-
N.C. Department of Revenue-
Post Office Box 25000-
Raleigh, N. C. 27640-
- (3) Statutes and rules applicable to installing, servicing or responding to electrical burglar alarm systems, etc., Private Protective Services Act, G.S. Chapter 74C:-
Private Protective Services Board-
Post Office Box 29500-
Raleigh, N. C. 27626-
- (4) The National Electrical Code Handbook:-
National Fire Protection Association-
Batterymarch Park-
Quincy, Mass. 02269-
- (5) North Carolina Construction Manual. Outlining policies for the planning, designing, construction and renovation of buildings, structures and other capital improvements:-
Division of State Construction-
Department of Administration-
300 North Salisbury Street-
Raleigh, N. C. 27611-

Authority G.S. 87-42.

SECTION .1100 - CONTINUING EDUCATION

.1101 CONTINUING EDUCATION REQUIREMENTS: LISTED QUALIFIED INDIVIDUALS

(a) ~~Effective July 1, 1991, every~~ Every listed qualified individual, including listed qualified individuals pursuant to G.S. 87-50, shall complete ~~six contact hours of approved~~ continuing education for each license period (July 1 - June 30) to renew the license on which ~~he the~~ qualified individual is currently listed, for the next license period, except as follows:

- (1) ~~Individuals~~ individuals becoming qualified by examination during the 12 month period immediately preceding the license renewal date;
- (2) ~~Qualified~~ qualified individuals unable to fulfill the required number of hours as the result of illness or ~~undue hardship~~ as certified in writing by the attending ~~physician~~ physician; or other responsible person and the waiver of this requirement as specifically approved by the Board; or
- (3) ~~Approved~~ approved instructors actually presenting courses in accordance with this Section.

(b) The number of required contact hours for every listed qualified individual shall be determined by the classification of license on which the qualified individual is currently listed as follows:

- (1) qualified individuals currently listed on a license in the limited, intermediate, unlimited and special restricted single family dwelling classifications shall complete at least eight hours of approved continuing education for license renewal, and
- (2) qualified individuals currently listed on a license in the special restricted low voltage (SP-LV), special restricted elevator (SP-EL), special restricted plumbing and heating (SP-PH), special restricted ground water pump (SP-WP), special restricted electric sign (SP-ES) and special restricted swimming pool (SP-SP) classifications shall complete at least four hours of approved continuing education for license renewal.

~~(b) (c)~~ The Board Board, pursuant to Rules .1102 and .1103 of the Section, approves course sponsors and instructors, not particular courses, except as provided in Paragraph (e) (f) of this Rule. ~~A course provided by an approved sponsor is presumed to meet the requirements as set forth in these Rules.~~ Because of differences in the electrical contracting industry and individual needs of listed qualified individuals, each qualified individual must exercise judgment in selecting courses for which continuing education is claimed and in choosing only those courses that will advance his the individual's knowledge.

~~(e) (d)~~ Course sponsors may be, but are not limited to, colleges or universities, community colleges, trade associations, providers of self-study programs, employers, third party professional examination companies, private instructors and the like.

~~(d) (e)~~ North Carolina listed qualified individuals residing

within the state must obtain the required continuing education hours by taking a course provided by an approved sponsor.

~~(e) (f)~~ North Carolina listed qualified individuals residing outside of North Carolina, including listed qualified individuals pursuant to G.S. 87-50, may obtain credit for courses offered in North Carolina. They may also obtain credit for courses offered in their state, province or country of residence and provided by non-approved sponsors or instructors provided the Board subsequently approves the courses taken. ~~taken, pursuant to Rule .1102(b) of this Section.~~

Authority G.S. 87-42; 87-44.1.

.1102 MINIMUM REQUIREMENTS FOR COURSE SPONSOR APPROVAL

(a) Each course sponsor shall submit an application for continuing education course sponsor approval to the Board on a form provided by the Board by March 1 of the year prior to the license period (July 1 - June 30) in which the course will be offered. The application shall include but is not limited to:

- (1) ~~The~~ the name of the sponsor;
- (2) ~~Sponsor~~ sponsor contact person, address and telephone number;
- (3) ~~Course~~ course title and outline;
- (4) ~~Course~~ course contact hours;
- (5) ~~Schedule~~ schedule of courses, if established, including dates, time and locations;
- (6) ~~Course~~ course fee; and
- (7) ~~Name(s)~~ name(s) of instructor(s).

(b) To qualify as an approved continuing education course sponsor:

- (1) ~~The course~~ all courses offered by the sponsor shall last ~~six or more contact hours; no fewer than the minimum number of contact hours required for the license classification pursuant to Rule .1101(b) of this Section; and~~
- (2) ~~The course~~ all courses offered by the sponsor shall cover articles of the current National Electrical Code; G.S. 87, Article 4; Title 21 North Carolina Administrative Code Chapter 18B; or other subject matter satisfying the requirements in G.S. 87-44.1 as approved by the Board.

(c) The course offered shall be presented by one or more instructors approved by the Board.

(d) The course sponsor or instructor shall provide the Board with a certified class roster of all attending qualified individuals within 30 days after the completion of each course.

(e) The course sponsor or instructor shall provide each attending qualified individual with a certificate of completion within 30 days after completion of each course.

(f) The Board shall approve or deny applications at its April meeting.

~~(g) Appeals from denials shall be heard by the Board at a scheduled meeting in May.~~

~~(h) (g)~~ Upon approval of the application, each approved sponsor shall agree to conduct courses in accordance with this Section and shall indicate its agreement by signing a continuing education sponsor agreement form provided by the Board.

Authority G.S. 87-42; 87-44.1.

.1104 CONTACT HOURS

(a) Approved courses must be offered for ~~six or more contact hours~~, no fewer than the minimum number of contact hours required for the license classification pursuant to Rule .1101(b) of this Section. Credit ~~will~~ shall be given only in multiples of ~~six~~ eight contact hours (~~6, 12, 18~~) (8, 16, 24) ~~for the limited, intermediate, unlimited and special restricted single family dwelling classifications and multiples of four contact hours (4, 8, 12) for the special restricted low voltage (SP-LV), special restricted elevator (SP-EL), special restricted plumbing and heating (SP-PH), special restricted ground water pump (SP-WP), special restricted electric sign (SP-ES) and special restricted swimming pool (SP-SP) classifications.~~

(b) Credit shall be granted to the qualified individual only upon completion of an entire course.

(c) When a qualified individual has completed more than the required number of hours of continuing education in any one license period, the extra hours ~~may~~ shall be carried forward in multiples ~~of six as specified in Paragraph (a) of this Rule~~ and treated as hours earned in the following one or two additional license periods.

(d) No credit ~~will~~ shall be granted for courses attended prior to July 1, 1991.

(e) No credit ~~will~~ shall be granted for courses attended prior to being qualified by examination.

Authority G.S. 87-42; 87-44.1.

.1105 COMPUTATION OF CONTINUING EDUCATION HOURS

(a) Group Courses: Non-college. Continuing education credit for a group course that is not part of a college curriculum is given based on contact hours. A contact hour is 50 minutes of instruction. Credit is granted only for full contact hours. ~~For example, a group course lasting 300 minutes is six contact hours and thus satisfies one year of the continuing education requirement.~~

(b) College Courses. Continuing education credit for a college course in the college curriculum is given based on college credit hours. One semester hour of college credit is 15 contact hours; one quarter hour of college credit is 11 contact hours; and one continuing education unit (CEU) is ~~ten~~ 10 contact hours.

(c) Self-Study Courses. Continuing education credit for a self-study course is given based on the average number of contact hours needed to complete the course. The course shall include a written examination having a minimum of 25 questions and a minimum passing grade of 70. One-half of the average completion time is allowed for continuing education credit. A sponsor must determine the average number of contact hours it takes to complete the self-study course and submit this information with its application for continuing education course sponsor approval.

(d) Examination. Continuing education credit for an examination is given based on the type of examination, ~~maximum~~ number of questions, ~~maximum~~ number of hours

permitted to take the examination, and ~~minimum~~ passing grade. The examination shall include a minimum of 25 questions and a minimum passing grade of 70. A sponsor must determine set the number of hours permitted to take the examination and submit this information with its application for continuing education course sponsor approval.

(e) Totalling Annual Hours. No credit shall be allowed for a course having ~~a total of fewer than six contact hours~~, fewer than the minimum number of contact hours required for the license classification pursuant to Rule .1101(b) of this Section. A course Courses held for license classifications pursuant to Rule .1101(b)(1) of this Section and lasting between from six and 11 eight to 15 contact hours will shall satisfy one year of the required continuing education; a course lasting between from 12-17 16 to 23 contact hours will-shall satisfy two years of the required continuing education; and a course lasting 18 24 or more contact hours will shall satisfy three years of the required continuing education. Courses held for license classifications pursuant to Rule .1101(b)(2) of this Section and lasting from four to seven contact hours shall satisfy one year of the required continuing education; a course lasting from eight to 11 contact hours shall satisfy two years of the required continuing education; and a course lasting 12 or more contact hours shall satisfy three years of the required continuing education. Credit hours for more than one year are subject to the provisions of Rule .1104(c) of this Section.

Authority G.S. 87-42; 87-44.1.

CHAPTER 57 - REAL ESTATE APPRAISAL BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Appraisal Board intends to amend the ruleS cited as 21 NCAC 57A .0101-.0102, .0201-.0208, .0210, .0301-.0306, .0401-.0407, .0501. Notice of Rule-making Proceedings was published in the Register on July 1, 1998.

Proposed Effective Date: April 1, 1999

A Public Hearing will be conducted at 9:00 a.m. on September 30, 1998 at 3900 Barrett Drive, Raleigh, NC.

Reason for Proposed Action: G.S. 93E-1, the North Carolina Appraiser Act, was amended in 1995 to add the category of registered trainee to those licensed by the Appraisal Board, but the rules were not amended to reflect that change. In addition, there has been a change in requirements in both the qualifications for the four categories of licensees as well as the number of hours of continuing education required annually by the Appraiser Qualifications Board of the Appraisal Foundation in Washington DC, and there is a need for the Board to come into compliance with those requirements (Title XI of the U.S. Code, 12 U.S.C. 335 et seq).

Comment Procedures: *Written comments should be addressed to A. Melton Black, Jr., Executive Director, North Carolina Appraisal Board, PO Box 20500, Raleigh, NC 27619-0500.*

Fiscal Note: *These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.*

SUBCHAPTER 57A - LICENSING, CERTIFICATION AND PRACTICE

SECTION .0100 - APPLICATION FOR REAL ESTATE APPRAISER LICENSE OR CERTIFICATE

.0101 FORM

A person who wishes to file an application for a real estate trainee registration, appraiser license or certificate may obtain the required form upon request to the Board. In general, the form calls for information such as the applicant's name and address, the applicant's social security number, a recent passport size photograph of the applicant, places of residence and employment, education, and such other information as may be necessary to identify the applicant and determine his qualifications and fitness for registration, licensure or certification.

Authority: G.S. 93E-1-6(a); 93E-1-10.

.0102 FILING AND FEES

(a) Each application for registration, licensure or for certification must be filed in the proper form and must be accompanied by the required application fee plus such additional fee as the Board may from time to time establish to defray the cost of any competency examination administered by a private testing service. The Board may reject and return to the applicant any application which is incomplete, not in proper form, or not accompanied by the required fee or fees. Application fees accompanying complete applications submitted in proper form are not refundable.

(b) The following fees shall be charged:

- | | |
|--|-----------|
| (1) <u>application for original trainee registration</u> | \$150.00; |
| (+)(2) <u>application for original residential appraiser license</u> | \$150.00; |
| (2)(3) <u>application for original residential appraiser certificate</u> | \$150.00; |
| (3)(4) <u>application for original general appraiser certificate</u> | \$150.00; |

(c) Payment of application fees shall be made by certified check, bank check or money order payable to the North Carolina Appraisal Board.

Authority: G.S. 93E-1-6; 93E-1-10.

SECTION .0200 - APPRAISER LICENSING AND CERTIFICATION

.0201 QUALIFICATIONS FOR TRAINEE REGISTRATION, APPRAISER LICENSURE AND CERTIFICATION

(a) Applicants for trainee registration, licensure as a state-licensed residential real estate appraiser and for certification as a state-certified real estate appraiser must satisfy the qualification requirements stated in G.S. 93E-1-6 as further set forth in Subparagraphs (a)(1), ~~(2)~~, 2, and (3) and (4) of this Rule, provided however that registration as a trainee or licensure as a state-licensed residential real estate appraiser is not prerequisite for certification as a state-certified residential or general real estate appraiser:

- (1) Applicants for trainee registration shall have completed, within the five-year period immediately preceding the date application is made, courses in introduction to Real Estate Appraisal, Valuation Principles and Practices, and Applied Residential Property Valuation each consisting of at least 30 classroom hours of instruction, or appraisal education found by the Board to be equivalent to such courses.
- (+)(2) Applicants for licensure as a state-licensed residential real estate appraiser shall have completed, within the five-year period immediately preceding the date application is made, courses in introduction to Real Estate Appraisal, Valuation Principles and Practices, and Applied Residential Property Valuation each consisting of at least 30 classroom hours of instruction, or appraisal education found by the Board to be equivalent to such courses; and have at least 2,000 hours of appraisal experience.
- (2)(3) Applicants for certification as a state-certified residential real estate appraiser, within the five-year period immediately preceding the date application is made, shall have completed those courses required for licensure as a state-licensed residential real estate appraiser or equivalent education and, in addition, a course in introduction to Income Property Appraisal consisting of at least 30 classroom hours of instruction or equivalent education; and shall have obtained at least 2,500 ~~2000~~ hours of appraisal experience acquired over a minimum period of two calendar years.
- (3)(4) Applicants for certification as a state-certified general real estate appraiser, within the five-year period immediately preceding the date application is made, shall have completed those courses required for certification as a state-certified residential real estate appraiser or equivalent education and, in addition, courses in Advanced Income Capitalization Procedures and Applied Income Property Valuation each consisting of at least 30 classroom hours of instruction or equivalent education; and shall have obtained at least 3,000 ~~2,000~~ hours of appraisal experience acquired over a minimum period of two and a half calendar years of which at least 50 percent must have been in appraising non-residential real estate.

(b) When a trainee becomes a state-licensed or state-certified

real estate appraiser or when a state-licensed real estate appraiser becomes certified as a state-certified real estate appraiser, his licensure shall be immediately canceled by the Board. When a state-certified residential real estate appraiser becomes certified as a state-certified general real estate appraiser, his certification as a state-certified residential real estate appraiser shall be immediately canceled by the Board.

Authority G.S. 93E-1-6; 93E-1-10.

.0202 CHARACTER

(a) At a meeting of the Appraisal Board following each real estate trainee, appraiser licensing or certification examination, the applicants who have passed the examination shall be considered for licensure or certification. When the moral character of an applicant is in question, action by the Board will be deferred until the applicant has affirmatively demonstrated that he possesses the requisite truthfulness, honesty and integrity.

(b) When the moral character of an applicant is in question, the Board shall notify the applicant and the applicant shall be entitled to demonstrate his character and fitness for licensure or certification at a hearing before the Board.

(c) Notice to the applicant that his moral character is in question shall be in writing, sent by certified mail, return receipt requested, to the address shown upon the application. The applicant shall have 60 days from the date of receipt of this notice to request a hearing before the Board. Failure to request a hearing within this time shall constitute a waiver of the applicant's right to a hearing on his application for trainee registration, licensing or certification, and the application shall be deemed denied. Nothing in this Rule shall be interpreted to prevent an applicant from reapplying for licensure or certification.

Authority G.S. 93E-1-10.

.0203 LICENSE AND CERTIFICATE RENEWAL

(a) A holder of a trainee registration, an appraiser license or certificate desiring the renewal of such registration, license or certificate shall, during the month of June, apply for same in writing upon the form approved by the Board and shall forward the required fee of two-hundred dollars (\$200.00). Forms are available upon request to the Board.

(b) All trainees, licensees and certificate holders either active or inactive, resident or non-resident who are required by G.S. 93E-1-7 to complete continuing education as a condition of renewal, shall be required to satisfy the continuing education requirements set forth in Rule .0204 of this Section.

(c) An applicant applying for renewal of a registration, license or certificate obtained by reciprocity must submit with the renewal application a current license history from the appraiser regulatory authority of the state upon whose qualification requirements the reciprocal registration, license or certificate was granted showing that the applicant is currently registered, licensed or certified in good standing. Submission of false or misleading information to the Board in connection with registration, license or certificate renewal shall constitute

grounds for disciplinary action.

(d) Any person who acts or holds himself out as a state-registered trainee, state-licensed or state-certified real estate appraiser while his trainee registration, appraiser license or certificate is expired will be subject to disciplinary action and penalties as prescribed in G.S. Chapter 93E.

Authority G.S. 93E-1-7(a)(b); 93E-1-10.

.0204 CONTINUING EDUCATION

(a) All real estate appraiser licensees and certificate holders shall, upon the second renewal of their license or certificate following their initial licensure or certification by the Board, and upon each subsequent renewal, present evidence satisfactory to the Board of having obtained, within the immediately preceding licensing/certification period (July 1 - June 30) education consisting of at least 14 ~~ten~~ classroom hours of instruction. Additional hours of approved instruction may be carried forward and recognized for purposes of meeting the continuing education requirement only as provided in Paragraph (c) of this Rule. Except as provided in Paragraphs (f) and (g) of this Rule, such education must have been obtained by taking courses approved by the Board for continuing education purposes. Such education must relate to real estate appraisal and must contribute to the goal of improving the knowledge, skill and competence of state-licensed and state-certified real estate appraisers. There is no exemption from the continuing education requirement for appraisers whose licensed or certified status has been upgraded to the level of certified residential or certified general appraiser since the issuance or most recent renewal of their license or certificate, and courses taken to satisfy the requirements of a higher level of certification may not be applied toward the annual continuing education requirement.

(b) Each appraisal continuing education course must involve a minimum of three and one-half classroom hours of instruction on real estate appraisal or related topics such as the application of appraisal concepts and methodology to the appraisal of various types of property; specialized appraisal techniques; laws, rules or guidelines relating to appraisal; standards of practice and ethics; building construction; financial or investment analysis; land use planning or controls; feasibility analysis; statistics; accounting; and similar topics. The license or certificate holder must have attended at least 90 percent of the scheduled classroom hours for the course in order to receive credit for the course.

(c) A licensee who elects to take approved continuing education courses in excess of the minimum requirement of 14 ~~ten~~ hours per year may carry over into subsequent years a maximum of 28 ~~20~~ hours of continuing education credit. Credit for extra hours of approved continuing education may not be carried forward more than two years, and no credit may be applied retroactively.

(d) Course sponsors must provide a prescribed certificate of course completion to each licensee and certificate holder satisfactorily completing a course. The licensee or certificate holder should submit the original of this certificate to the Board as soon as possible after completing the course and must submit such certificate not later than the next June 30 following course

completion. In order to renew a license or certificate in a timely manner, the Board must have received from the licensee or certificate holder proper proof of his having fully satisfied the continuing education requirement prior to processing his license or certificate renewal application. If a licensee or certificate holder fails to provide by June 30 of any year proper proof of having fully satisfied the continuing education requirement, his license or certificate will expire as of that date and he will be subject to the provisions of Rules .0203(d) and .0206 of this Section.

(e) A course may be taken only once for continuing education credit within a three-year period.

(f) A current or former licensee or certificate holder may request that the Board grant continuing education credit for a course taken by the licensee or certificate holder that is not approved by the Board, or for appraisal education activity equivalent to a Board-approved course, by making such request on a form prescribed by the Board and submitting a non-refundable fee of fifty dollars (\$50.00) for each course or type of appraisal education activity to be evaluated. Continuing education credit for a non-approved course will be granted only if the licensee or certificate holder provides satisfactory proof of course completion and the Board finds that the course satisfies the requirements for approval of appraisal continuing education courses with regard to subject matter, course length, instructor qualifications, and student attendance. Appraisal education activities for which credit may be awarded include, but are not limited to, teaching appraisal courses, authorship of appraisal textbooks, and development of instructional materials on appraisal subjects. The awarding of credit for such activities is wholly discretionary on the part of the Board. Licensed or certified appraisers who between July 1 and June 30 of the period for which continuing education credit is requested have taught an appraisal course or courses approved by the Board for continuing education credit will be deemed to have taken an equivalent course and will not be subject to the fifty dollars (\$50.00) fee, provided they submit verification satisfactory to the Board of having taught the course(s). A licensee or certificate holder who teaches a Board-approved continuing education course may not receive continuing education credit for the same course more than once every three years, regardless of how often he teaches the course.

(g) A state-licensed or state-certified residential real estate appraiser may fully satisfy the continuing education requirement by taking the Applied Residential Property Valuation (R3) pre-licensing and precertification course, provided that he has not taken such course within the previous three years. A state certified general real estate appraiser may fully satisfy the continuing education requirement by taking either the Applied Residential Valuation (R-3) pre-licensing and pre-certification course or the Applied Income Property Valuation (G-3) pre-certification course, provided that he has not taken either of these courses within the previous three years.

(h) A licensee or certificate holder may request in writing and be granted an extension of time to satisfy the continuing education requirements if he provides evidence satisfactory to the Board that he was unable to obtain the necessary education due to an incapacitating illness, military assignment outside the

50 states, or similar condition. If an extension of time is granted, the licensee or certificate holder will be permitted to renew or reinstate, as appropriate, his license or certificate for that period of time for which the extension was granted. The granting of such request and the length of any extension of time granted are wholly discretionary on the part of the Board.

Authority G.S. 93E-1-7(a)(b); 93E-1-8(a); 93E-1-10.

.0205 INACTIVE STATUS

(a) A trainee, licensee or certificate holder shall be assigned by the Board to inactive status upon written request to the Board.

(b) A trainee, licensee or certificate holder whose registration, appraiser license or certificate is on inactive status shall be returned to active status upon making a written request to the Board.

(c) A trainee, licensee or certificate holder on inactive status shall not be entitled to act as a state-registered trainee, state-licensed or state-certified real estate appraiser; however, in order to continue to hold a trainee registration, an appraiser license or certificate, the trainee, licensee or certificate holder whose registration, license or certificate is on inactive status must renew his registration, license or certificate, including payment of the prescribed renewal fee and completion of all continuing education.

(d) The Board may take disciplinary action against a trainee, licensee or certificate holder on inactive status.

Authority G.S. 93E-1-7; 93E-1-10.

.0206 EXPIRED REGISTRATION, LICENSE OR CERTIFICATE

(a) Expired real estate appraiser trainee registrations, licenses and certificates may be reinstated within 12 months after expiration upon proper application, payment to the Board of the two-hundred dollar (\$200.00) renewal fee plus a late filing fee of five dollars (\$5.00) per month for each month or part thereof that such registration, license or certificate is lapsed, and provision of proof of having obtained the continuing education that would have been required had the license or certificate been continuously renewed.

(b) Trainee registrations, licenses licenses and certificates expired for more than 12 months may be considered for reinstatement upon proper application, payment of the one-hundred fifty dollar (\$150.00) original license or certificate fee, payment of the sixty dollar (\$60.00) late filing fee, and provision of proof of having obtained continuing education equal to the total number of classroom hours that would have been required had the license or certificate been continuously renewed. Such applications will be reviews by the Board to determine whether an examination or additional real estate appraisal education or both will be required.

Authority G.S. 93E-1-6(b); 93E-1-7; 93E-1-10.

.0207 PAYMENT OF LICENSE OR CERTIFICATE FEES

Checks given the Board in payment of real estate appraiser

trainee registration, license and certificate fees which are returned unpaid shall be cause for registration, license or certificate denial, suspension or revocation.

Authority G.S. 93E-1-10; 93E-1-12(a)(9).

.0208 REPLACEMENT LICENSE AND CERTIFICATE FEES

A trainee, licensee or certificate holder may, filing a prescribed form and paying a five dollar (\$5.00) fee to the Board, obtain a duplicate real estate trainee registration, appraiser license or certificate or pocket card to replace an original registration, license, certificate or pocket card which has been lost, damaged or destroyed or if the name of the trainee, licensee or certificate holder has been lawfully changed. The Board, at its discretion, may require a trainee, licensee or certificate holder requesting a duplicate registration, license or certificate to submit an affidavit stating the reason for the request.

Authority G.S. 93E-1-7(d); 93E-1-10.

.0210 TEMPORARY PRACTICE

(a) A real estate appraiser from another state who is licensed or certified by the appraiser licensing or certifying agency in such state may apply for registration to receive temporary appraiser licensing or certification privileges in this State by filing with the Board a notarized application on a form prescribed by the Board for such purpose which shall set forth and include:

- (1) the applicant's name, address, social security number and such other information as may be necessary to identify the applicant;
- (2) an original statement by the appraiser licensing or certifying agency in the applicant's resident state issued under seal no more than thirty days prior to the application date setting forth:
 - (A) the applicant's name, business name and address;
 - (B) the type license or certificate held by the applicant and the license or certificate number;
 - (C) the dates of licensure or certification and the expiration date of the applicant's current license or certificate;
 - (D) whether or not the license or certificate was issued as a result of passing a license/certification examination, by reciprocity, or by some other means; and
 - (E) a complete record of any disciplinary actions taken or disciplinary proceedings pending against the applicant;
- (3) an irrevocable consent that service of process in any action against the applicant arising out of the applicant's appraisal activities in this State may be made by delivery of the process on the Executive Director of the Board;
- (4) a statement that the applicant has read and agrees to abide by all appraiser laws and rules in this State and

agrees to cooperate with any investigation initiated by the Board including supplying relevant documents and personally appearing before the Board or the Board's investigators; and

- (5) information sufficient to identify the appraisal assignment to be performed under the temporary practice permit, including the projected beginning and ending dates for performing such appraisal assignment, but shall not require the applicant to divulge any information concerning the appraisal assignment which would breach the applicant's duty of confidentiality to his client under the provisions of the Uniform Standards of Professional Appraisal Practice.

(b) Upon filing a properly completed application accompanied by a fee of fifty dollars (\$50.00) and otherwise satisfying the Appraisal Board as to his qualifications, eligibility and moral fitness for temporary licensing or certification privileges, an applicant shall be granted a temporary practice permit by the Board authorizing the applicant to perform in this State the appraisal assignment described in such application, provided that the length of time projected by the applicant for completion of the assignment is reasonable given the scope and complexity of the assignment.

(c) Licensing and certification privileges granted under the provisions of this Rule shall expire upon the completion of the appraisal assignment described in the application for temporary licensing or certification privileges or on the expiration date set forth in the temporary practice permit, whichever shall come first. However, upon a showing by the permittee satisfactory to the Appraisal Board that, notwithstanding the permittee's diligent attention to the appraisal assignment, additional time is needed to complete the assignment, the Board shall extend the licensing or certification privileges granted under the permittee's temporary practice permit to afford him additional time to complete the appraisal assignment.

(d) Persons granted temporary licensing or certification privileges under this Rule shall not advertise or otherwise hold themselves out as being a North Carolina state-licensed or state-certified appraiser.

(e) A trainee may apply for a temporary practice permit and the provisions of Paragraphs (a), (b) and (c) of this Rule shall apply. The supervising appraiser for the trainee must also receive a temporary practice permit. The term "trainee" shall include apprentices and others who are licensed and regulated by a state agency to perform real estate appraisals under the supervision of a licensed or certified appraiser.

Authority G.S. 93E-1-9(c)(d); 93E-1-10; Title XI, Section 1122(a); 12 U.S.C. 3351(a).

SECTION .0300 - APPRAISER EXAMINATIONS

.0301 TIME AND PLACE

Examinations for real estate trainee registrations, appraiser licenses and certificates will be scheduled at such times and places as determined by the Executive Director and the Board-approved private testing service. Applicants will be scheduled

for examination based on their successful completion of appraiser qualification requirements stated in G.S. 93E-1-6 and filing an application with the Board. Violation of examination procedures and instructions shall be grounds for denial, suspension or revocation of a license or certificate.

Authority G.S. 93E-1-6(c); 93E-1-10.

.0302 SUBJECT MATTER AND PASSING SCORES

(a) The examination for trainee registration, licensure as a state-licensed real estate appraiser and for certification as a state-certified residential real estate appraiser shall test applicants on the following subject areas:

- (1) Influences on Real Estate Value;
- (2) Legal Considerations in Appraisal;
- (3) Types of Value;
- (4) Economic Principles;
- (5) Real Estate Markets and Analysis;
- (6) Valuation Process;
- (7) Property Description;
- (8) Highest and Best Use Analysis;
- (9) Appraisal Statistical Concepts;
- (10) Sales Comparison approach;
- (11) Site Value;
- (12) Cost Approach;
- (13) Income Approach (Gross Rent Multipliers, Estimation of Income and Expenses, Operating Expense ratios);
- (14) Valuation of Partial Interests; and
- (15) Appraisal Standards and Ethics.

(b) In addition to the subject areas listed in Paragraph (a) of this Rule, the examination for certification as a state-certified general real estate appraiser shall test applicants on the following subject areas:

- (1) Direct Capitalization;
- (2) Cash Flow Estimates;
- (3) measures of Cash Flow; and
- (4) Discounted Cash Flow Analysis.

(c) Prior to taking the examination, applicants will be informed of the score required to pass. Applicants who pass the examination will only be notified that they have passed. Applicants who have failed will be informed of their actual score.

Authority G.S. 93E-1-6(c); 93E-1-10.

.0303 RE-EXAMINATION

If an applicant for a real estate trainee registration, license or certificate fails to pass or appear for any examination for which he has been scheduled by the Board-approved private testing service, he shall re-apply for examination and shall pay the prescribed examination testing fees to the Board-approved private testing service.

Authority G.S. 93E-1-6(b) and (c); 93E-1-10.

.0304 CHEATING AND RELATED MISCONDUCT

Applicants shall not cheat or attempt to cheat on an examination by any means, including both giving and receiving

assistance, and shall not communicate in any manner for any purpose with any person other than an examination supervisor during an examination. Violation of this Rule shall be grounds for dismissal from an examination, invalidation of examination scores, and denial of a real estate trainee registration, appraiser license or certificate, as well as for disciplinary action if the applicant holds a trainee registration, an appraiser license or certificate.

Authority G.S. 93E-1-6(c); 93E-1-10.

.0305 CONFIDENTIALITY OF EXAMINATIONS

Registration, licensing ~~Licensing~~ and certification examinations are confidential. No applicant, trainee, licensee, or certificate holder shall obtain, attempt to obtain, receive or communicate to other persons examination questions. Violation of this Rule shall be grounds for denial of a real estate trainee registration, appraiser license or certificate if the violator is an applicant and disciplinary action if the violator holds a trainee registration, an appraiser license or certificate.

Authority G.S. 93E-1-6(c); 93E-1-10.

.0306 EXAMINATION REVIEW

(a) If the examination is administered by the Board, an ~~An~~ applicant who fails an examination may review his examination in the presence of a Board-designated representative. Applicants who review their examinations may not be accompanied by any other person at a review session, nor may any other person review an examination on behalf of an applicant. Applicants who pass an examination may not review their examinations.

(b) If the examination is administered by the Board, the ~~The~~ Board will establish and publish a schedule for examination review. An applicant who fails to review his examination at the established date and time will be deemed to have waived his right to review his examination.

(c) If the examination is administered by a private testing service, the terms of the contract between the Board and the testing service regarding examination review shall apply.

Authority G.S. 93E-1-6(c); 93E-1-10.

SECTION .0400 - GENERAL APPRAISAL PRACTICE

.0401 USE OF TITLES

(a) A state-registered trainee shall utilize the term "state-registered trainee" when performing an appraisal of real estate or any interest therein, and when referring to himself as a trainee.

~~(a)~~(b) A state-licensed residential real estate appraiser shall utilize the term "state-licensed residential real estate appraiser" and a state-certified residential real estate appraiser shall utilize the term "state-certified residential real estate appraiser" when performing an appraisal of real estate or any interest therein, and when referring to himself as an appraiser. A state-certified general real estate appraiser shall utilize either the term "state certified general real estate appraiser" or "state-certified residential/general real estate appraiser" when performing

appraisals of all types of real estate or any interest therein, and when referring to himself as an appraiser.

(b)(c) Trainee registration, ~~Licensure~~ licensure or certification as a real estate appraiser is granted only to persons and does not extend to a business entity operated by a trainee, state-licensed or state-certified real estate appraiser.

Authority G.S. 93E-1-10.

.0402 DISPLAY OF LICENSES AND CERTIFICATES

(a) The trainee registration, real estate appraiser license or certificate of a trainee, state-licensed or state-certified real estate appraiser shall be prominently displayed at the trainee's or appraiser's place of business, provided that the license or certificate of a managing appraiser and the registration, license or certificate of each trainee, licensee or certificate holder engaged in real estate appraisal activities at the office of the managing appraiser shall be prominently displayed at such office.

(b) The annual license or certificate renewal pocket card issued by the Board to each trainee, state-licensed or state-certified real estate appraiser shall be retained by the trainee, licensee or certificate holder as evidence of registration, licensure or certification.

Authority G.S. 93E-1-10.

.0403 ADVERTISING

(a) When advertising or otherwise holding himself out as a trainee or real estate appraiser, a state-registered trainee shall identify himself as a "state-registered trainee", a state-licensed residential real estate appraiser shall identify himself as a "state-licensed residential real estate appraiser", a state-certified residential real estate appraiser shall identify himself as a "state-certified residential real estate appraiser", and a state-certified general real estate appraiser shall identify himself as either a "state-certified general real estate appraiser" or a "state-certified residential/general real estate appraiser".

(b) A registered trainee, state-licensed or state-certified real estate appraiser doing business as a partnership, association, corporation or other business entity shall not represent in any manner to the public that the partnership, association, corporation or other business entity is either registered, licensed or certified by the State of North Carolina to engage in the business of real estate appraising.

(c) In the event that any trainee, licensee or certificate holder shall advertise in any manner using a firm name, corporate name, or an assumed name which does not set forth the surname of the trainee, licensee or certificate holder, he shall first notify the Board in writing of such name and furnish the Board with a copy of each registration of assumed name certificate filed with the office of the county register of deeds in compliance with G.S. Section 66-68.

Authority G.S. 93E-1-10.

.0404 CHANGE OF NAME OR ADDRESS

All trainees, licensees and certificate holders shall notify the

Board in writing of each change of business address, residence address, or trade name within 10 days of said change. The address shall be sufficiently descriptive to enable the Board to correspond with and locate the trainee, licensee or certificate holder.

Authority G.S. 93E-1-10.

.0405 APPRAISAL REPORTS

(a) Each written appraisal report prepared by or under the direction of a state-licensed or state-certified real estate appraiser shall bear the signature of the state-licensed or state-certified appraiser, the license or certificate number of the licensee or certificate holder in whose name the appraisal report is issued, and the designation "state-certified residential real estate appraiser", or the designation "state-certified general real estate appraiser", or "state-certified residential/general real estate appraiser", as applicable. Each such appraisal report shall also indicate whether or not the state-licensed or state-certified appraiser has personally inspected the property, and shall identify any other person who assists in the appraisal process other than by providing clerical assistance.

(b) Every state-licensed and state-certified real estate appraiser shall affix or stamp to all appraisal reports a seal of a design authorized by the Board which shall set forth the name and license or certificate number of the appraiser in whose name the appraisal report is issued and shall identify the appraiser as a "state licensed residential real estate appraiser", a "state-certified residential real estate appraiser", or as a "state certified general real estate appraiser" or "state-certified residential/general real estate appraiser", as applicable.

(c) A state-licensed or state-certified real estate appraiser who signs an appraisal report prepared by another person, including a trainee or a subcontractor, acting under the direction or supervision of the appraiser shall be fully responsible for the content of the report.

(d) A written appraisal report shall be issued on all real estate appraisals performed in connection with federally related transactions.

Authority G.S. 93E-1-10.

.0406 MANAGING APPRAISER

(a) A "managing appraiser" shall be designated with the Board for each appraisal firm and each combined real estate brokerage and appraisal firm for which real estate appraisals are performed by:

- (1) two or more state-licensed or state-certified real estate appraisers who are employed by or associated with the firm; or
- (2) ~~unlicensed or uncertified assistants, other than clerical employees~~ trainees, who are employed by or associated with the firm and who assist a state-licensed or state-certified real estate appraiser in the performance of real estate appraisals.

If one or more state-certified general real estate appraisers is employed by or associated with the firm, the managing appraiser must be a state-certified general real estate appraiser. If one or

more state-certified residential real estate appraisers is employed by or associated with the firm, the managing appraiser must be a state-certified residential or general real estate appraiser. If only state-licensed residential real estate appraisers are employed by or associated with the firm, the managing appraiser may be a state-licensed residential real estate appraiser.

(b) The designated managing appraiser shall be responsible for:

- (1) the proper display of licenses and certificates of all trainees, state-licensed and state-certified real estate appraisers employed by or associated with the firm, and ascertaining whether each trainee, licensee or certificate holder employed by or associated with the firm has complied with Rule .0203 of this Subchapter;
- (2) the proper notification to the Board of any change of business address or trade name of the firm and the registration of any assumed business name adopted by the firm for its use;
- (3) the proper conduct of advertising of appraisal services by or in the name of the firm;
- (4) the proper retention and maintenance of records relating to appraisals conducted by or on behalf of the firm;
- (5) the maintenance of a record for each of the firm's ~~unlicensed and uncertified assistants~~ trainees that generally describes the nature and extent of assistance rendered in connection with each appraisal; and
- (6) the maintenance of a record for each of the firm's state-licensed and state-certified residential real estate appraisers that generally describes the nature and extent of assistance rendered by the state-licensed residential real estate appraiser when assisting a state-certified residential or general real estate appraiser and any assistance rendered by the state-certified residential real estate appraiser when assisting a state-certified general real estate appraiser in performing an appraisal.

No license or certificate holder shall be managing appraiser of more than one appraisal firm or combined real estate brokerage and appraisal firm.

(c) Each managing appraiser shall notify the Board in writing of any change in his status as managing appraiser within 10 days following the change.

Authority G.S. 93E-1-3(b); 93E-1-10.

.0407 SUPERVISION OF TRAINEES

A state-licensed or state-certified real estate appraiser may employ a state-registered trainee ~~person or persons not licensed or certified as a real estate appraiser~~ to assist in the performance of real estate appraisals, provided that the state licensed or state-certified real estate appraiser:

- (1) actively and personally supervises the trainee ~~unlicensed and uncertified assistant~~;
- (2) reviews all appraisal reports and supporting data used in connection with appraisals in which the services of a trainee ~~an unlicensed and uncertified assistant~~ is utilized;

- (3) complies with all provisions of Rule .0405 of this Section regarding appraisal reports; and
- (4) prepares and furnishes to the managing appraiser, if applicable, and to each trainee, ~~unlicensed and uncertified assistant~~ whose services were utilized in connection with the appraisal, a report on a form prescribed by the Board describing the nature and extent of assistance rendered by the trainee ~~unlicensed and uncertified assistant~~ in connection with the appraisal, and places a copy of such report in the supporting file for the appraisal.

Authority G.S. 93E-1-3(b); 93E-1-10.

SECTION .0500 - STANDARDS OF APPRAISAL PRACTICE

.0501 APPRAISAL STANDARDS

(a) Every state-registered trainee, state-licensed and state-certified real estate appraiser shall, in performing the acts and services of a state-registered trainee, state-licensed or state-certified real estate appraiser, comply with those appraisal practice standards known as the "Uniform Standards of Professional Appraisal Practice" promulgated by the Appraisal Standards Board of the Appraisal Foundation, which standards, including subsequent amendments and editions of those standards which may from time to time be approved, are hereby adopted by reference in accordance with G.S. 150B-21.6. For the purpose of this Rule, the "Uniform Standards of Professional Appraisal Practice" are the preamble, Ethics Provision, Competency Provision, Departure Provision, Jurisdictional Exception, Definitions, Supplemental Standards, Statements on Appraisal Standards, and Standards 1, 2, and 3.

(b) A copy of the portions of the "Uniform Standards of Professional Appraisal Practice" specified in Paragraph (a) of this Rule is included in the Board's Licensing and Certification booklet available free of charge.

Authority G.S. 93E-1-10.

The Codifier of Rules has entered the following temporary rule(s) in the North Carolina Administrative Code. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the North Carolina Register serves as a notice of rule-making proceedings unless this notice has been previously published by the agency.

**TITLE 1 - DEPARTMENT OF
ADMINISTRATION**

*History Note: Authority G.S. 115C-563; 115C-566; 143B-12;
Temporary Adoption Eff. August 4, 1998.*

Rule-making Agency: *Department of Administration*

Rule Citation: *1 NCAC 40 .0101 - .0103; .0201 - .0204*

Effective Date: *August 4, 1998*

Findings Reviewed by Beecher R. Gray: *Approved*

Authority for the rule-making: *G.S. 115C-566*

Reason for Proposed Action: *Pursuant to S.L. 1997-507, the General Assembly has required the Division of NonPublic Education to assist in drafting rules to implement the new statute requiring driving eligibility certificates for all students seeking learners permits and drivers licenses. The statute requires the Secretary to adopt rules to implement the provisions for nonpublic and home schools, under the regulation of the Division of Nonpublic Education. This division was transferred to the Department of Administration by the Governor as of July 1, 1998. The effective date of the statute is August 1, 1998, as rules need to be in place prior to the fall semester.*

Comment Procedures: *All persons wishing to comment on these proposed rules may do so by sending their written comments to R. Glen Peterson, General Counsel, Department of Administration, 116 West Jones Street, Raleigh, NC 27603-8003.*

CHAPTER 40 - NONPUBLIC EDUCATION

SECTION .0100 - GENERAL PROVISIONS

.0101 PURPOSE

The Division of Nonpublic Education is the agency of State government responsible for administering the provisions of Article 39 of G.S. 115C and is the "duly authorized representative of the State" for such purposes, as defined in G.S. 115C-563(b).

*History Note: Authority G.S. 115C-563; 115C-566;
Temporary Adoption Eff. August 4, 1998.*

.0102 ORGANIZATION

The Division of Nonpublic Education is located in the Department of Administration pursuant to the assignment of said division from the Office of the Governor, as designated by order of the Governor dated May 20, 1998, and effective July 1, 1998.

.0103 DEFINITIONS

The following definitions shall apply throughout this Chapter:

- (1) "Conventional nonpublic school" means a school operating under either Part 1 or Part 2 of Article 39, G.S. 115C.
- (2) "Division" means the Division of Nonpublic Education, except where otherwise identified.
- (3) "Home school" means a nonpublic school operating under Part 3 of Article 39, G.S. 115C.

*History Note: Authority G.S. 115C-547 through 115C-566;
Temporary Adoption Eff. August 4, 1998.*

**SECTION .0200 - DRIVING ELIGIBILITY
CERTIFICATES**

.0201 DEFINITIONS

For the purposes of G.S. 20-11, G.S. 20-13.2(c1) and G.S. 115C-566, the following definitions shall apply:

- (1) "High school diploma or its equivalent" means and includes the General Equivalency Diploma and the adult high school diploma.
- (2) "Making progress toward obtaining a high school diploma or its equivalent" means that the student must meet standards established by the administrator, or the administrator's designee, in the case of a conventional nonpublic school or by the person who provides the academic instruction in the case of a home school.
- (3) "Substantial hardship" means a demonstrable burden on the student or the student's family as evidenced by circumstances such as the following:
 - (a) The parent/guardian is unable to drive due to illness or other impairment and the student is the only person of driving age in the household.
 - (b) The student requires transportation to and from a job that is necessary to the welfare of the student's family and the student is unable to obtain transportation by any means other than driving.
 - (c) The student has been unable to attend a conventional nonpublic school due to documented medical reasons, but the student is demonstrating the ability to maintain progress toward obtaining a high school diploma or its equivalent.
- (4) A "student who cannot make progress toward obtaining a high school diploma or its equivalent" shall mean a student who has been identified by the

administrator, or the administrator's designee, in the case of a conventional nonpublic school or by the person who provides the academic instruction in the case of a home school, as not having the capacity to meet the requirements for a high school diploma or its equivalent due to a disability.

*History Note: Authority G.S. 115C-566;
Temporary Adoption Eff. August 4, 1998.*

.0202 ISSUANCE OF DRIVING ELIGIBILITY CERTIFICATES

(a) Each conventional nonpublic school and home school shall be responsible for the issuance of driving eligibility certificates on forms supplied by the Division.

(b) Before any conventional nonpublic school or home school can issue a driving eligibility certificate, that school must have on file with the Division a currently valid Notice of Intent to Operate and must be in compliance with all laws and regulations applicable to conventional nonpublic schools or home schools which enroll students subject to compulsory attendance laws. Once the school is in compliance with such laws and regulations as apply to it, the appropriate forms may be requested from, and supplied by, the Division.

(c) Notwithstanding 1 NCAC 40 .0202(b), all nonpublic schools enrolling only students who are age 16 or 17 may not request driving eligibility certificate forms from the Division until after the school's currently valid Notice of Intent to Operate has been on file with the Division for at least six calendar months. This provision shall not apply in the case of any student that is newly resident in the State of North Carolina within the 30 days immediately preceding his request for a driving eligibility certificate from a school affected by this provision.

(d) A nonpublic school student under the age of 18 who wishes to obtain a limited learner's permit, a limited provisional license or a full provisional license under G.S. 20-11 must first request and obtain a driving eligibility certificate signed by the administrator, or the administrator's designee, in the case of a conventional nonpublic school or the person who provides the academic instruction in the case of a home school.

(e) Before a nonpublic school student is eligible to receive a driving eligibility certificate, the student must be properly enrolled in a nonpublic school which is meeting all the appropriate requirements of Article 39 of G.S. 115C at the time the certificate is issued and meet one of the following requirements:

- (1) The student is making progress toward obtaining a high school diploma or its equivalent.
- (2) The student will have a substantial hardship placed on the student or the student's family if the certificate is not issued.
- (3) The student is a student who cannot make progress toward obtaining a high school diploma or its equivalent.

(f) If a student is denied a certificate, the chief administrator of the nonpublic school shall inform the student of the school's decision and the availability and details of the school's appeals

process.

*History Note: Authority G.S. 115C-566;
Temporary Adoption Eff. August 4, 1998.*

.0203 REVOCATION OF DRIVING ELIGIBILITY CERTIFICATES

(a) Each nonpublic school shall revoke a driving eligibility certificate held by one of its students, no matter whether it was issued by that school or not:

- (1) when the student fails to meet the requirements for the certificate set out in 1 NCAC 40 .0202; or
- (2) when the student is no longer enrolled in the school and does not possess a high school diploma or its equivalent upon the student's removal from the school's rolls, if the student will not be enrolled in another school (public, conventional nonpublic, home school or community college).

(b) Upon revocation of a certificate, the chief administrator of the school shall send written notification of the revocation to the Division within five calendar days of the revocation, unless the student protests the decision. If the Appeals Committee upholds the school's decision to revoke the certificate, the notification to the Division will be made within five days from the school's receipt of the committee's decision.

(c) The notification to the Division shall include:

- (1) The student's legal name (first, middle and last name as on the student's birth certificate);
- (2) The student's social security number;
- (3) The student's residence address (including street, city and zip code);
- (4) The student's date of birth;
- (5) The student's gender;
- (6) The student's race;
- (7) The student's learner's permit or driver's license number;
- (8) The name of the parent/guardian with whom the student is living;
- (9) A statement of the reasons for the revocation of the certificate;
- (10) The date of the student's ineligibility or removal from the school's rolls;
- (11) The type of nonpublic school, whether conventional or home school;
- (12) The name of the nonpublic school;
- (13) The county in which the nonpublic school is located;
- (14) The name of the chief administrator of the nonpublic school.

(d) Within five calendar days of the Division's receipt of the written notification of revocation from the nonpublic school, the Director of the Division or the Director's designee, shall inform the North Carolina Division of Motor Vehicles of the revocation.

(e) If a student's certificate is revoked, the chief administrator of the nonpublic school shall inform the student of the school's decision and the availability and details of the school's appeals process.

*History Note: Authority G.S. 115C-566;
Temporary Adoption Eff. August 4, 1998.*

.0204 STUDENT APPEALS PROCESS

(a) Each conventional nonpublic school that enrolls students that are at least 15 years of age shall establish a Driving Eligibility Certificate Appeals Committee to receive and act upon student protests that a driving eligibility certificate was improperly denied or revoked. All student protests shall be made within five days of the school's decision and directed to the chief administrator of the conventional nonpublic school. The Appeals Committee shall:

- (1) Be appointed by and serve at the pleasure of the administrator of the conventional nonpublic school, or the administrator's designee; and
- (2) Consist of at least three members, each of which shall be a member of the school's governing board, administration or staff, or a parent/guardian with a child currently enrolled in the school.

(b) The Division shall establish a Home Schools Driving Eligibility Certificate Appeals Committee exclusively to receive and act upon student protests that a driving eligibility certificate was improperly denied or revoked by a home school. All home school student protests shall be made within five days of the school's decision and directed to the Director of the Division or the Director's designee, at Division of Nonpublic Education, Department of Administration, 530 North Wilmington Street, Raleigh, North Carolina 27604-1198. The Home Schools Driving Eligibility Certificate Appeals Committee shall:

- (1) Be appointed by, and serve on a voluntary basis at the pleasure of, the Director of the Division or the Director's designee; and
- (2) Consist of at least three members, each being the administrator of a home school currently operating under Part 3, Article 39, G.S. 115C. The members shall not receive per diem or any other type of compensation for their service. The Director, or the Director's designee, shall appoint a chairperson from the committee's membership. The chairperson shall then direct the decision-making work of the committee.

(c) All Driving Eligibility Certificate Appeals Committees shall:

- (1) consider the written protest of the student as to why the driving eligibility certificate was improperly denied or revoked;
- (2) decide the protest based on whether the requirements for the certificate were met or whether the certificate was properly revoked;
- (3) render its decision within 30 calendar days of receipt of the written protest from the student, and promptly notify the student and the chief administrator of the school of the decision.

(d) The decision of the appropriate appeals committee shall be final.

*History Note: Authority G.S. 115C-566;
Temporary Adoption Eff. August 4, 1998.*

**TITLE 16 - DEPARTMENT OF PUBLIC
EDUCATION**

Rule-making Agency: *State Board of Education*

Rule Citation: *16 NCAC 6E .0301*

Effective Date: *August 15, 1998*

Findings Reviewed by Beecher R. Gray: *Approved*

Authority for the rule-making: *G.S. 20-88.1; 115C-12(28)*

Reason for Proposed Action: *The General Assembly directed the State Board to work with two other agencies to develop coordinated rules for the implementation for the driving eligibility program established by SL 1998-507.*

Comment Procedures: *Questions or written comments regarding this matter may be directed to Harry E. Wilson, Rule-making Coordinator, 2086 Education Building, 301 N. Wilmington St., Raleigh, NC 27601-2825; (919) 715-1310.*

**CHAPTER 6 - ELEMENTARY AND
SECONDARY EDUCATION**

SUBCHAPTER 6E - STUDENTS

SECTION .0300 - DRIVER TRAINING

.0301 DRIVER TRAINING

(a) In discharging their duty to provide a course of training and instruction in the operation of motor vehicles as set forth in G.S. 115C-216, local boards of education shall provide a program which meets the following standards and requirements:

- (1) Principals shall enroll students who meet the criteria established by G.S. 20-88.1(a)(i), (ii), (iii) and (iv);
- (2) The program will be free of charge to eligible students;
- (3) Enrollees must obtain either a temporary learner's permit or a restricted instruction permit before they begin behind-the-wheel instruction;
- (4) Classroom instruction will consist of at least 30 clock hours of instruction in the topics previously listed in the Healthful Living Section of the Teacher Handbook. Beginning in school year 1992-93, students may take and pass a proficiency examination developed or designated by the Department of Public Instruction to waive the classroom instruction. Each student must complete a minimum of six hours of behind-the-wheel instruction;
- (5) The program will be reasonably available on a year-round basis to all eligible persons;
- (6) The local board of education will determine class size restrictions, but may not allow instruction in the car to less than two nor more than four students;

- (7) The local board of education will determine the amount of instruction per day for classroom or in-car instruction or a combination of both;
- (8) The local board of education will issue a certificate to students who satisfactorily complete the prescribed course;
- (9) Driver education instructors must possess a valid North Carolina driver's license and must have a driving record acceptable to the local board of education. In addition, instructors hired for driver education shall either:
 - (A) hold a driver education certificate issued by the SBE; or
 - (B) have non-certified status according to minimum standards established by Rule .0302 of this Section.

- (10) Except as previously allowed by the SBE, the program shall not be provided during the regular instructional day.

(b) Two or more local boards of education may jointly operate a program under a written agreement meeting the requirements of G.S. 160A-464. The agreement shall provide for one local board of education to assume administrative responsibility for the program.

(c) For purposes of G.S. 20-11, G.S. 20-13.2(c1), and G.S. 115C-12(28), the following definitions shall apply:

- (1) "High school diploma or its equivalent" means and includes the General Equivalency Diploma (G.E.D.) and the adult high school diploma.
- (2) "Making progress toward obtaining a high school diploma" means that the student must pass at least 70% of the maximum of possible courses each semester and meet promotion standards established by the LEA.
- (3) "Substantial hardship" means a demonstrable burden on the student or the student's family as evidenced by circumstances such as the following:
 - (A) The parent is unable to drive due to sickness or other impairment and the student is the only person of driving age in the household.
 - (B) The student requires transportation to and from a job that is necessary to the welfare of the student's family and the student is unable to obtain transportation by any means other than driving.
 - (C) The student has been unable to attend school due to documented medical reasons, but the student is demonstrating the ability to maintain progress toward obtaining a high school diploma.
- (4) A "student who cannot make progress toward obtaining a high school diploma or its equivalent" shall mean a student who has been identified by the principal or principal's designee, together with the IEP committee or the school's student assistance team, as not having the capacity to meet the requirements for a high school diploma or its equivalent due to a disability.

(d) Each LEA shall determine the process by which decisions concerning the issuance of a driving eligibility shall be appealed.

(e) The principal of a high school or the principal's designee shall notify the Division of Motor Vehicles whenever a student is no longer making progress toward obtaining a high school diploma or its equivalent or when the student has dropped out of school.

(f) Each charter school, non-public school accredited by the SBE, and community college shall designate an official who shall notify the Division of Motor Vehicles whenever a student is no longer making progress toward obtaining a high school diploma.

History Note: Filed as a Temporary Adoption Eff. August 12, 1991 for a period of 180 days to expire on February 7, 1992;

Authority G.S. 20-88.1; 115C-216;

ARRC Objection Lodged August 22, 1991;

Eff. March 1, 1992;

Temporary Amendment Eff. August 15, 1998.

TITLE 23 - DEPARTMENT OF COMMUNITY COLLEGES

Rule-making Agency: *North Carolina State Board of Community Colleges*

Rule Citation: *23 NCAC 2C .0307*

Effective Date: *August 21, 1998*

Findings Reviewed by Julian Mann: *Approved*

Authority for the rule-making: *G.S. 115D-5(a3)*

Reason for Proposed Action: *Pursuant to the 1997 S.L., c 507, § 4, the General Assembly has required the State Board of Community Colleges to issue rules regulating the issuance of drivers eligibility certificates to persons enrolled in community colleges. § 6 of this chapter requires the State Board of Community Colleges to develop this Rule in coordination with the State Board of Education and the Office of Non-Public Education in the Governor's Office. This Rule needs to be in effect by fall semester to accommodate high school dropouts between the ages of 16 and 18 who choose to attend community colleges to maintain their drivers' licenses or to become eligible for drivers' eligibility certificates.*

Comment Procedures: *All persons interested in this Rule may submit statements in writing from the date of this notice until October 1, 1998, delivered or mailed to Mr. Morris W. Johnson, North Carolina Community College System, 200 W. Jones Street, Raleigh, NC 27603-1379.*

CHAPTER 2 - COMMUNITY COLLEGES

SUBCHAPTER 2C - COLLEGES:

ORGANIZATION AND OPERATIONS

.0307 DRIVERS' ELIGIBILITY CERTIFICATE

(a) Local Boards of Trustees shall be responsible for the issuance of driving eligibility certificates, the timely reporting of dropouts and students unable to make adequate progress toward graduation, and the provision of grievance procedures associated with the issuance of driving eligibility certificates. Local Boards of Trustees shall provide a program which meets the following requirements:

(1) The president or the president's designee shall issue a driving eligibility certificate if it is determined that:

(A) The student seeking the certificate is currently enrolled in a basic skills program and is making progress toward obtaining a high school diploma or its equivalent. "Making progress toward obtaining a high school diploma" for a person enrolled in a community college basic skills program is defined as:

(i) Attending a basic skills class a minimum of 60 hours per month for a period of six consecutive months; and

(I) Demonstrating progress in GED at the end of each six month period by passing a minimum of two GED tests with a score of 40 or higher.

(II) Demonstrating progress in Adult High School at the end of each six month period by passing a minimum of two Adult High School units.

(III) Demonstrating progress in Adult Basic Education or English as a Second Language at the end of each six month period by one of the following: increase scores on each subsequent standardized test or make progress as documented by teacher assessment.

(ii) If a student does not meet the criteria for making progress and attendance during any month, the president or the president's designee shall notify the Division of Motor Vehicles the following month that the student no longer meets the requirements for the driving eligibility certificate.

(B) A substantial hardship would be placed on the person seeking the certificate or the person's family if the person does not receive the certificate. Examples of a substantial hardship include:

(i) A parent's inability to drive due to sickness or other impairment and the student is the only person of driving age in the household.

(ii) The student requires transportation to

and from a job that is necessary to the welfare of his family and is unable by any other means to do so.

(C) The person seeking the certificate cannot make progress toward obtaining a high school diploma or its equivalent. The president or the president's designee shall determine, along with input from other basic skills staff, if a student is unable to make progress toward obtaining a high school diploma or its equivalent.

(b) Any person denied a driving eligibility certificate may appeal that decision through the colleges' student grievance procedure.

(c) The president or the president's designee shall notify the Division of Motor Vehicles when a student is no longer making progress as determined in this Rule or when a student officially drops out of school. The president's designee shall be the Basic Skills Director.

History Note: Authority S.L. 1997, c. 507, s. 4 and 6; Temporary Adoption Eff. August 21, 1998.

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, September 17, 1998, 10:00 a.m., at 1307 Glenwood Ave., Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Monday, September 14, 1998, at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Teresa L. Smallwood, Vice Chairman
 Jim Funderburke
 Vernice B. Howard
 Philip O. Redwine
 David Twiddy

Appointed by House

Paul Powell, Chairman
 Anita White, 2nd Vice Chairman
 Mark Garside
 Steve Rader
 George Robinson

RULES REVIEW COMMISSION MEETING DATES

September 17, 1998
 October 15, 1998

November 19, 1998
 December 17, 1998

MEETING DATE: SEPTEMBER 17, 1998

LOG OF FILINGS

RULES SUBMITTED: JULY 20, 1998 THROUGH AUGUST 20, 1998

AGENCY/DIVISION	RULE NAME	RULE CITATION	ACTION
DHHS/MEDICAL CARE COMMISSION			
	Reporting and Investigating	10 NCAC 3H .2210	Amend
JUSTICE/NC ALARM SYSTEMS LICENSING BOARD			
	Statement of Purpose	12 NCAC 11 .0501	Adopt
	Definitions	12 NCAC 11 .0502	Adopt
	Required CLE Hours	12 NCAC 11 .0503	Adopt
	Accreditation Standards	12 NCAC 11 .0504	Adopt
	Non-Resident Licensee	12 NCAC 11 .0505	Adopt
	Recording and Reporting CLE Credits	12 NCAC 11 .0506	Adopt
	Non-Compliance	12 NCAC 11 .0507	Adopt
CRIME CONTROL & PUBLIC SAFETY, DEPARTMENT OF			
	Time Limitation	14 NCAC 7 .0313	Amend
DENR/ENVIRONMENTAL MANAGEMENT COMMISSION			
	Permit Requirements	15 NCAC 2H .0610	Repeal
DENR/COASTAL RESOURCES COMMISSION			
	Specific Use Standards	15 NCAC 7H .0308	Amend
	Specific conditions	15 NCAC 7H .1705	Amend
DENR/WILDLIFE RESOURCES COMMISSION			
	Rabbits	15 NCAC 10B .0207	Amend

RULES REVIEW COMMISSION

DENR/COMMISSION FOR HEALTH SERVICES

Standards for Owners	15 NCAC 13A .0109	Amend
Interim Status Standards	15 NCAC 13A .0110	Amend
Standards for Management	15 NCAC 13A .0111	Amend
Disposition of Fetal Remains	15 NCAC 13B .1301	Amend
Alternate Landfill Liner	15 NCAC 13B .1624	Amend

TRANSPORTATION, DEPARTMENT OF/DIVISION OF HIGHWAYS

General Regulations for Drawbridges	19 NCAC 2D .0415	Amend
Disqualification of Bidders	19 NCAC 2D .0816	Amend

STATE BOARDS/ATHLETIC TRAINER EXAMINERS, BOARD OF

Application for Licensure	21 NCAC 3 .0101	Adopt
Good Moral Character	21 NCAC 3 .0102	Adopt
Athletic Trainers not Certified	21 NCAC 3 .0103	Adopt
Fees	21 NCAC 3 .0201	Adopt
Renewal Request Form	21 NCAC 3 .0301	Adopt
Continuing Education	21 NCAC 3 .0302	Adopt
Lapsed License	21 NCAC 3 .0303	Adopt
Board Approval of Courses	21 NCAC 3 .0304	Adopt
Disciplinary Actions	21 NCAC 3 .0401	Adopt
Minimum Requirements	21 NCAC 3 .0501	Adopt

STATE BOARDS/COSMETIC ART EXAMINERS, STATE BOARD OF

Report of Enrollment	21 NCAC 141 .0107	Amend
General Exam Instructions	21 NCAC 14N .0103	Amend

RULES REVIEW COMMISSION

**August 20, 1998
MINUTES**

The Rules Review Commission met on August 20, 1998, in the Assembly Room of the Methodist Building, 1307 Glenwood Avenue, Raleigh, North Carolina. Commissioners in attendance were Vice Chairman Teresa L. Smallwood, Stephen P. Rader, George S. Robinson, David R. Twiddy, Anita A. White, and Mark P. Garside.

Staff members present were: Joseph J. DeLuca, Staff Director; Bobby Bryan, Rules Review Specialist; and Sandy Webster.

The following people attended:

Valerie Chaffin	Hunton & Williams
Charlotte Hall	DHHS/MH/DD/SAS
Harry Wilson	State Board of Education
Charles Jones	DENR/DCM
Kim Murphy	DENR/DCM
Emily Lee	Transportation
Dedra Alston	DENR
Ed Norman	DENR

APPROVAL OF MINUTES

The meeting was called to order at 10:15 a.m. with Vice Chairman Smallwood presiding. She asked for any discussion, comments, or corrections concerning the minutes of the July 23, 1998 meeting. There being none, the minutes were approved.

FOLLOW-UP MATTERS

15A NCAC 18A .3101, .3102, .3105, .3108, and .3109 – DENR/Commission for Health Services: The rewritten rules submitted by the agency were approved by the Commission.

LOG OF FILINGS

Vice Chairman Smallwood presided over the review of the log and all rules were unanimously approved with the following exceptions:

16 NCAC 6G .0501 – State Board of Education: Commissioner Twiddy voted not to approve this rule. Vice Chairman Smallwood voted to approve.

COMMISSION PROCEDURES AND OTHER MATTERS

Mr. DeLuca requested that the October meeting be changed from October 15 to October 22. The Commissioners agreed. The next meeting will be on September 17, 1998.

The meeting adjourned at 10:50 a.m.

Respectfully submitted,
Sandy Webster

This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Brenda B. Becton
Sammie Chess Jr.
Beecher R. Gray
Melissa Owens

Meg Scott Phipps
Robert Roosevelt Reilly Jr.
Dolores O. Smith

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
ALCOHOLIC BEVERAGE CONTROL COMMISSION				
Alcoholic Beverage Control Commission v. Kenneth Jerome	97 ABC 1205	Phipps	07/23/98	
Alcoholic Beverage Control Commission v. Jesse Jacob Joyner, Jr	97 ABC 1438	Phipps	06/19/98	
Alcoholic Beverage Control Commission v. Axis Entertainment	98 ABC 0357*	Reilly	07/02/98	
Sokha Huor Ramadneh v. Alcoholic Beverage Control Commission	98 ABC 0382	Smith	06/30/98	13-03 NCR 350
Alcoholic Beverage Control Commission v. Delores Williams Alnaqib	98 ABC 0392	Chess	07/30/98	
Alcoholic Beverage Control Commission v. Axis Entertainment	98 ABC 0401*	Reilly	07/02/98	
Alcoholic Beverage Control Commission v. Bridgette Dee Williams	98 ABC 0501	Reilly	08/11/98	
Alcoholic Beverage Control Commission v. Robert Lee, Inc.	98 ABC 0518	Gray	08/11/98	
Tarus Jackson v. Alcoholic Beverage Control Commission	98 ABC 0768	Smith	07/13/98	
CRIME CONTROL AND PUBLIC SAFETY				
Loretta Battle v. Crime Victims Compensation Commission	97 CPS 0654	Gray	08/10/98	
Cynthia Austin v. Crime Victims Compensation Commission	97 CPS 1499	Reilly	08/12/98	13-05 NCR 533
Marcella Skaggs v. Crime Victims Compensation Commission	98 CPS 0065	Owens	06/05/98	
Talmadge E. McHenry v. Crime Victims Compensation Commission	98 CPS 0116	Gray	06/24/98	
Kenneth T. Lytle v. Crime Victims Compensation Commission	98 CPS 0176	Reilly	07/06/98	
Mia Thompson-Clark v. Crime Victims Compensation Commission	98 CPS 0349	Chess	05/14/98	
ENVIRONMENT AND NATURAL RESOURCES				
Teresa Heflin v. Department of Environment and Natural Resources	97 EHR 0409	Morrison	07/29/98	
Ronald Prater v. Department of Environment and Natural Resources	97 EHR 0451	Reilly	07/02/98	
James F. Smith v. Department of Environment and Natural Resources	97 EHR 1365	Chess	07/17/98	
Hickory Alliance v. Department of Environment and Natural Resources and	97 EHR 1607	Reilly	07/17/98	
Godfrey Lumber Company, Inc.				
John M. Silva v. Department of Environment and Natural Resources	97 EHR 1646	Chess	06/03/98	
Godfrey Lumber Company, Inc. v. Dept./Environment & Natural Resources and	97 EHR 1676	Reilly	07/17/98	
Hickory Alliance				
Gregory B. Jackson, Brenda R. Jackson v. Greene Cty. Hlth. Dept., ENR	98 EHR 0042	Reilly	07/02/98	
Robert G. Goff, Sr. v. Department of Environment and Natural Resources	98 EHR 0072*	Gray	06/25/98	
Scotland Water, Cedar Circle v. Environment and Natural Resources	98 EHR 0236	Smith	06/09/98	
Robert G. Goff, Sr. v. Department of Environment and Natural Resources	98 EHR 0448*	Gray	06/25/98	
Division of Environmental Management				
Save Our Rivers, Inc., et al v. Town of Highlands, EHNR, Env. Mgmt., William W. Cobey, Jr., Secretary	91 EHR 0377	Gray	07/30/98	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<i>Division of Marine Fisheries</i>				
Lady LaShanda Melvin Bryant v EHNH, Division of Marine Fisheries	97 EHR 1459	Gray	07/20/98	
HEALTH AND HUMAN SERVICES				
Stanley C. Ochulo v Off./Administrative Hearings, Mr. R. Marcus Lodge	98 DHR 0021	Reilly	06/24/98	
Oliver C. Johnson, Hazel T. Johnson v Health and Human Services	98 DHR 0090	Gray	07/08/98	
Louise Streater v Health and Human Services	98 DHR 0196	Gray	06/03/98	
Richard E. Lawrence, Rebecca A. Lawrence v Health and Human Services	98 DHR 0209	Phipps	07/15/98	
Carolyn L. Freeman v Department of Human Resources	98 DHR 0721	Gray	08/05/98	
Christopher Germano, Lee Germano v Department of Health	98 DHR 0780	Owens	07/28/98	
<i>Division of Child Development</i>				
Dulatown Presbyterian Children's Ctr. v DHHS, Child Development	98 DHR 0654	Gray	08/06/98	
<i>Division of Facility Services</i>				
Pearlie W. Lawson v DHHS, Facility Svcs., Health Care Personnel Reg.	97 DHR 1034	Becton	07/30/98	
Annie K. Morgan v Health & Human Services, Facility Services	97 DHR 1046*	Phipps	07/23/98	
Mooreville Hospital Mgmt. Associates, Inc. d/b/a Lake Norman Regional Medical Center v DHR, Facility Services, Certificate of Need Section and Autumn Corporation and McKinley V. Jurney	97 DHR 1209	Reilly	06/23/98	
Constellation Health Services, Inc. and Constellation Senior Services, Inc. v DHR, Facility Services, Group Care Licensure Section and Diversified Health Group, L.L.C. and The Innovative Health Group, Inc.	97 DHR 1529	Gray	06/24/98	
Sunlite Retirement Home, Winnie Jane Johnson v DHR, Facility Services	98 DHR 0124	Phipps	06/11/98	
Ann Davis Rest Home v Group Care Licensure Section	98 DHR 0197	Phipps	06/23/98	
Diane Lingard v DHR, Facility Svcs., Health Care Personnel Reg.	98 DHR 0214	Becton	06/22/98	
Kimberly Annette Smith Hull v DHHS, Division of Facility Services	98 DHR 0239	Phipps	06/23/98	
Deborah Ann Holt v DHHS, Division of Facility Services	98 DHR 0348	Phipps	06/22/98	
Annie K. Morgan v Health & Human Services, Facility Services	98 DHR 0496**	Phipps	07/23/98	
Johnnie E. Williams v DHHS, Division of Facility Services	98 DHR 0639	Reilly	07/02/98	
<i>Division of Medical Assistance</i>				
Charlotte-Mecklenburg Hospital Authority, d/b/a Carolinas Medical Ctr. and Harry Mahannah, M.D. v DHHS, Division of Medical Assistance	97 DHR 0621	Smith	07/08/98	
<i>Division of Social Services</i>				
William & Crystal Steakley v DHHS, Division of Social Services	98 DHR 0076	Gray	07/20/98	
Raji Abdus-Salaam v Department of Human Resources, DSS-DCA	98 DHR 0771	Owens	07/30/98	
<i>Child Support Enforcement Section</i>				
Jeffery Lee Graves v Department of Human Resources	98 CRA 0137	Becton	06/23/98	
Donald L. Carr, Jr. v Department of Human Resources	98 CRA 0545	Reilly	06/08/98	
Marvin Diggs v Department of Human Resources	98 CRA 0588	Reilly	06/24/98	
Dennis Lee McNeill v Department of Human Resources	96 CSE 1305	Gray	06/22/98	
Byron O. Ashby II v Department of Human Resources	96 CSE 1435	Mann	07/15/98	
Hubert L. Morrison v Department of Human Resources	96 CSE 1649	Reilly	08/12/98	
Michael A. Wilder v Department of Human Resources	97 CSE 1301	Chess	07/17/98	
Billy Anthony Jr. v Department of Human Resources	97 CSE 1393	Reilly	06/24/98	
Alton D. Bagley v Department of Human Resources	97 CSE 1424	Chess	06/02/98	
Bernel B. Berry Jr. v Department of Human Resources	97 CSE 1435	Smith	06/12/98	
Darryl Simpkins v Department of Health & Human Services	97 CSE 1436	Chess	08/11/98	
Anthony Montgomery v Department of Human Resources	97 CSE 1442	Phipps	06/17/98	
Terry Letterman v Department of Human Resources	97 CSE 1492	Smith	06/22/98	
Annette Chipman v Department of Human Resources	97 CSE 1545	Phipps	07/23/98	
Paul J. Mobley, Jr. v Department of Human Resources	97 CSE 1568	Phipps	06/17/98	
Robert A. Sherer v Department of Human Resources	97 CSE 1605	Mann	07/15/98	
Rodger Hazen II v Department of Human Resources	97 CSE 1666	Chess	07/17/98	
Wade A. Burgess v Department of Human Resources	98 CSE 0071	Morrison	06/12/98	
Robert L. Robinson v Department of Human Resources	98 CSE 0130	Reilly	07/15/98	
Jamie A. Hurt v Department of Health & Human Services	98 CSE 0307	Morrison	07/06/98	
Renardo Jenkins v Department of Human Resources	98 CSE 0310	Smith	06/23/98	
Anthony Love v Department of Human Resources	98 CSE 0312	Phipps	06/23/98	
Steven Kent Gold v Department of Human Resources	98 CSE 0333	Morrison	07/01/98	
Leroy J. Poole v Department of Human Resources	98 CSE 0375	Reilly	07/02/98	
Hoyal A. McLean v Department of Health & Human Services	98 CSE 0420	Smith	07/29/98	
Michael Bernard Hill v Department of Health & Human Services	98 CSE 0421	Becton	07/15/98	
Charlie Ratliff Jr. v Department of Health & Human Services	98 CSE 0449	Mann	07/15/98	
John B. Hall v Department of Human Resources	98 CSE 0506	Chess	07/20/98	
Derrick A. Brinton v Department of Human Resources	98 CSE 0555	Smith	08/07/98	
Tabatha D. Pate v Department of Human Resources	98 CSE 0556	Becton	06/23/98	
Amanda F. Blount v Department of Human Resources	98 CSE 0560	Chess	07/29/98	
John L. Bullard v Department of Human Resources	98 CSE 0569	Morrison	08/06/98	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Charlie Gray Hunt Jr. v. Department of Human Resources	98 CSE 0607	Smith	06/22/98	
Robert L. Williams v. Department of Human Resources	98 CSE 0682	Smith	06/22/98	
Teresa L. Galloway v. Department of Health & Human Services	98 CSE 0769	Becton	07/30/98	
Vernon Reginald Pinkney v. Department of Health & Human Services	98 CSE 0833	Owens	07/29/98	
Elijah G. Deans v. Department of Health & Human Services	98 CSE 0867	Phipps	07/20/98	
James Howard Alexander v. Department of Health & Human Services	98 CSE 0869	Reilly	08/06/98	
Vickie E. Lane v. Michael L. Adams, Department of Human Resources	96 DCS 2105	Gray	07/08/98	
Janice Scott Padgett (Fisher) v. Department of Human Resources	97 DCS 1219	Smith	07/29/98	
Barbara Fanta-Blandine v. Department of Human Resources	97 DCS 1486	Morrison	06/22/98	
Sharon Brim v. Department of Health & Human Services	97 DCS 1574	Gray	08/04/98	
Terita M. Sharpe v. Department of Human Resources	98 DCS 0468	Morrison	06/09/98	
Ruth McFadden v. Department of Human Resources	98 DCS 0675	Reilly	07/15/98	
<i>Division of Women's and Children's Health</i>				
Joseph A. Nawas v. DHHS, Women's/Children's Health, Nutrition Svcs.	98 DHR 0637	Phipps	07/02/98	
JUSTICE				
<i>Alarm Systems Licensing Board</i>				
Claude David Huggins v. Alarm Systems Licensing Board	98 DOJ 0871	Morrison	07/09/98	
<i>Auctioneer Licensing Board</i>				
Wiley R. Tyndall v. Auctioneer Licensing Board	97 DOJ 1236	Phipps	07/24/98	
<i>Education and Training Standards Division</i>				
Thomas Dwayne Brown v. Sheriffs' Education & Training Standards Comm.	97 DOJ 1319	Phipps	07/29/98	
Odus Fitzgerald Darden v. Sheriffs' Education & Training Standards Comm.	97 DOJ 1698	Reilly	06/12/98	
Hoyle Kenneth Wise, Jr. v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0022	Smith	07/14/98	
Hearl Oxendine v. Criminal Justice Education & Training Stds. Comm.	98 DOJ 0121	Smith	06/22/98	
James Farrell Roberts v. Criminal Justice Education & Training Stds. Comm.	98 DOJ 0147	Smith	07/16/98	
Phillip Keith McPherson v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0388	Reilly	07/24/98	
Daryl LaMar Bryant v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0430	Gray	07/21/98	
William Scott Key v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0432	Becton	06/08/98	
Johnny Wayne Wills v. Criminal Justice Education & Training Stds. Comm.	98 DOJ 0574	Chess	07/30/98	
James E. Ellerbe v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0600	Morrison	08/07/98	
Paul Harvey Taylor v. DOJ, Criminal Justice Ed. & Training Stds. Comm.	98 DOJ 0841	Phipps	07/10/98	
<i>Private Protective Services Board</i>				
Claims Verification, Inc. v. Private Protective Services Board	98 DOJ 0848	Smith	08/04/98	
BOARD OF MEDICAL EXAMINERS				
Joe D. Crawford, M.D. v. Medical Bd. of NC Bd. of Medical Examiners	98 BME 0870	Owens	07/30/98	
PUBLIC INSTRUCTION				
Nicholas Eirschele, By and Through His Parents, Charles & Kathleen Eirschele v. Craven County Board of Education	97 EDC 1234	Phipps	07/16/98	
Mrs. Phyllis Y. Moore v. Cumberland County Schools	98 EDC 0305	Gray	08/05/98	
STATE PERSONNEL				
<i>Department of Correction</i>				
Terry T. Rees v. Department of Correction	97 OSP 1671* ¹	Smith	06/30/98	
Leon Owens v. Department of Correction	98 OSP 0050	Becton	07/10/98	
Terry T. Rees v. Department of Correction	98 OSP 0119* ¹	Smith	06/30/98	
Jayne D. Bledsoe v. Correction, Div. of Adult Probation & Parole	98 OSP 0543	Owens	07/29/98	
Carl W. Craven, II v. Pender Correctional Institution	98 OSP 0633	Smith	06/25/98	
Tommy L. Hancock v. Department of Correction	98 OSP 0881	Owens	08/04/98	
<i>Crime Control and Public Safety</i>				
Roger D. Davis v. Crime Control & Public Safety, St. Hwy Patrol	97 OSP 0617	Chess	05/27/98	
Albert R. Little v. Crime Control & Public Safety, Info. Sys. Specialists	97 OSP 1157	Morrison	07/22/98	
<i>Employment Security Commission</i>				
Jane B. Bohm and Arlene G. Sellers v. Employment Security Commission	97 OSP 1122* ¹	Chess	06/02/98	
Jane B. Bohm and Arlene G. Sellers v. Employment Security Commission	97 OSP 1134* ¹	Chess	06/02/98	
<i>Environment and Natural Resources</i>				
Charles Anthony Bruce v. ENR, Division of Parks and Recreation	98 OSP 0240	Reilly	06/08/98	

* Consolidated Cases.

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>	
Health and Human Services					
Angela M. Miles v. Cumberland County Department of Social Services	97 OSP 0613* ⁵	Gray	07/10/98	13:02 NCR 257	
Charity Swick v. Cumberland County Department of Social Services	97 OSP 0775	Gray	07/10/98		
Ruth Holroyd v. Montgomery Cty. DSS, Children's Services	97 OSP 1586	Smith	05/27/98		
James W. Crews v. DHHS, Murdoch Center	98 OSP 0060	Gray	07/20/98		
Patricia R. Quick v. DHHS, Dorothea Dix Hospital	98 OSP 0061	Becton	07/16/98		
Angela M. Miles v. Cumberland County Department of Social Services	98 OSP 0084* ⁵	Gray	07/10/98		
Delores Laverne Rich v. Health & Human Services, Dorothea Dix Hosp	98 OSP 0120	Gray	07/08/98		
Anthony M. Ruiz v. Department of Health & Human Svcs, Youth Svcs	98 OSP 0454	Gray	06/04/98		
Rudolph Waters v. DHHS, Youth Services, Dobbs School	98 OSP 0474	Morrison	07/30/98		
Euwell Falconer v. Karen A. Andrews, Gaston-Lincoln Area Mental Health	98 OSP 0538	Reilly	08/06/98		
Jeffrey L. Williams v. Dorothea Dix Hospital	98 OSP 0595	Becton	07/22/98	13:03 NCR 343	
Barbara Jean Paquette v. Durham County (respondent superior for the Durham County Public Library)	98 OSP 0765	Morrison	08/05/98		
Secretary of State					
Jonathan M. Demers v. Department of Secretary of State	97 OSP 1018	Becton	07/07/98		
Department of Transportation					
Larry W. Davis v. Department of Transportation	98 OSP 0241	Gray	07/08/98	13:01 NCR 166	
Sherry Lynn Noles v. Department of Transportation-NCDMV	98 OSP 0269	Chess	08/11/98		
University of North Carolina					
Douglas Love, Jr. v. UNC Hospitals	97 OSP 0662	Reilly	06/08/98		
Deborah J. Fenner v. NC Central University	97 OSP 0902	Chess	05/29/98		
Joyce M. Smith v. North Carolina Central University	97 OSP 1297	Smith	06/25/98		
Edwin Swain v. University of North Carolina at Chapel Hill	97 OSP 1694	Morrison	07/31/98		
Leo Watford, Roosevelt Parris, Claiborne Baker, et al. v. University of North Carolina at Chapel Hill	98 OSP 0254	Chess	07/17/98		
Jonathan L. Fann v. North Carolina State University Physical Plant	98 OSP 0465	Becton	07/17/98		
Robert W. Brinson v. NC State University	98 OSP 0887	Owens	08/10/98		
STATE TREASURER					
Hugh A. Wells v. Consolidated Judicial Retirement System of NC, Bd. of Trustees Teachers and State Employees' Retirement System	98 DST 0316	Morrison	06/05/98		
TRANSPORTATION					
David Warren Dew et al. v. Motor Vehicles, Alexander Killens Comm.	95 DOT 1144	Gray	06/04/98	13:01 NCR 166	
UNIVERSITY OF NORTH CAROLINA					
Ladonna P. James v. UNC Hospitals	98 UNC 0591	Becton	07/20/98		

STATE OF NORTH CAROLINA

**IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
97 CPS 1499**

COUNTY OF NEW HANOVER

CYNTHIA AUSTIN,
Petitioner,

v.

CRIME VICTIMS COMPENSATION COMMISSION,
Respondent.

RECOMMENDED DECISION

This contested case came on for hearing before the undersigned administrative law judge on respondent's Motion for Summary Judgment.

ISSUE

Did the respondent properly deny the petitioner's claim based on the victim participating in criminal activity at the time of death?

UNCONTESTED FACTS

1. Petitioner filed an application with the North Carolina Crime Victims Compensation Commission under the North Carolina Crime Victims Compensation Act based upon the death of her daughter on March 31, 1997. The North Carolina Crime Victims Compensation Commission denied petitioner's claim on the grounds that the victim was participating in criminal activity at the time of death.
2. The respondent filed a Motion for Summary Judgment on February 18, 1998. The victim's father, Wade Allen, filed a Motion to Intervene on March 2, 1998. The Motion was denied on June 25, 1998, for being untimely. The Motion for Summary Judgment was granted on July 6, 1998. The respondent filed a proposed recommended decision on August 3, 1998.
3. The Report of Autopsy Examination states that the victim had cocaine in her system at the time of death. It further states that "the use of cocaine was not immediately prior to death." The autopsy also revealed that the victim, Angela Alan, was a 24 year old African-American woman. Twelve buckshot pellet wounds in the back caused her death. The shots, according to the autopsy report, were fired at a distance. The victim, a mother of four, was shot by an uncle. The death certificate indicates that the murder occurred at 7:00 on the morning of March 31, 1997.

CONCLUSIONS OF LAW

1. N.C. Gen. Stat. § 90-95 states in pertinent part:
 - (a) Except as authorized by this Article, it is unlawful for any person:
 - (1) To manufacture, sell or deliver, or possess with intent to manufacture, sell or deliver, a controlled substance;
 - (2) To create, sell or deliver, or possess with intent to sell or deliver a counterfeit controlled substance;
 - (3) To possess a controlled substance.
2. A recognized rule of statutory construction is that words used in a statute are to be given a consistent interpretation each time the word is employed. The above statute uses the word "possess" three times – possess with intent to manufacture, sell or deliver a controlled substance, possess with intent to sell or deliver a counterfeit controlled substance, and possess a controlled substance. The word is clearly used in its ordinary dictionary meaning of "to

have as property: own." State criminal law also recognizes constructive possession where the substance is found on premises under the defendant's exclusive control.

3. "Possess" means having control of property. A person controls a substance, for example, when it is placed in a balloon and hidden in a body cavity. The person intends to retrieve the substance. A crime is committed. However, in this case, the autopsy report found that the decedent's chemistry contained cocaine. Under the ordinary meaning of "possess", the decedent did not have the substance as a property over which she had control. Rather, she had merely consumed the controlled substance. If the state of having consumed controlled substances should be a crime, the General Assembly may enact the appropriate legislation. The General Assembly knows how to criminalize consumption. Under N.C. Gen. Stat. § 20-138.1, it is unlawful to drive a vehicle upon a street or highway "(a)fter having consumed sufficient alcohol that (one) has, at any relevant time after the driving, an alcohol concentration of 0.08 or more."
4. No evidence shows any contributory misconduct. The victim had consumed cocaine "not immediately prior to death." She was shot at a distance by her uncle early one morning. No known connection exists between the cocaine and the murder.
5. The undersigned originally granted summary judgment for the respondent and requested that a proposed decision be submitted. However, after reading the proposal and reviewing the file again, the undersigned determined that summary judgment should be rendered against the respondent. According to Rule 56(c), Rules of Civil Procedure, summary judgment may be rendered against the moving party.

RECOMMENDED DECISION

It is recommended that partial summary judgment be entered in the favor of the petitioner because there is no genuine issue of material fact that compensation should be awarded and, as a matter of law, the respondent should grant the compensation. However, the matter should be remanded to the Director to determine the amount of the compensation and to whom it should be awarded. The petitioner is the mother of the victim. The father, Wade Allen, and the husband, Rodney Hansley, should be involved in the process.

NOTICE

The agency making the final decision in this contested case is required to give each party an opportunity to file exceptions to this recommended decision and to present written arguments to the agency. The agency will serve a copy of the final decision on all parties, the attorneys of record and the Office of Administrative Hearings. The agency that will make the final decision in this case is the North Carolina Crime Victims Compensation Commission.

This the 12th day of August, 1998.

Robert Roosevelt Reilly, Jr.
Administrative Law Judge

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

This index provides information related to notices, rules and other documents published in the Register. It includes information about rules for which Notice of Rule-Making Proceedings or Notice of Text have been published, rules submitted to the Rules Review Commission and rules codified since the last session of the General Assembly. For assistance contact the Rules Division at 919/733-2678.

Fiscal Note: S = Rule affects the expenditure or distribution of state funds, L = Rule affects the expenditure or distribution of local government funds, SE = Rule has a substantial economic impact of at least \$5,000,000 in a 12-month period. * = Rule-making agency has determined that the rule does not impact state or local funds and does not have a substantial economic impact. See G.S. 150B-21.4.

ACUPUNCTURE, LICENSING BOARD

21 NCAC 01 .0101	12:22 NCR 1981		13:05 NCR 501	*
21 NCAC 01 .0105	12:22 NCR 1981		13:05 NCR 501	*

ADMINISTRATION

1 NCAC 35 .0101	13:04 NCR 360
1 NCAC 35 .0103	13:04 NCR 360
1 NCAC 35 .0202	13:04 NCR 360
1 NCAC 35 .0304	13:04 NCR 360
1 NCAC 35 .0308	13:04 NCR 360

Environmental Policy Act

1 NCAC 25 .0212	12:23 NCR 2088
1 NCAC 25 .0213	12:23 NCR 2088
1 NCAC 25 .0302	12:23 NCR 2088
1 NCAC 25 .0303	12:23 NCR 2088
1 NCAC 25 .0402	12:23 NCR 2088
1 NCAC 25 .0504	12:23 NCR 2088
1 NCAC 25 .0505	12:23 NCR 2088
1 NCAC 25 .0506	12:23 NCR 2088
1 NCAC 25 .0602	12:23 NCR 2088
1 NCAC 25 .0603	12:23 NCR 2088
1 NCAC 25 .0605	12:23 NCR 2088

Indian Affairs, Commission of

1 NCAC 15 .0201	13:02 NCR 175
-----------------	---------------

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

1 NCAC 15 .0202	13-02 NCR 175									
1 NCAC 15 .0203	13-02 NCR 175									
1 NCAC 15 .0204	13-02 NCR 175									
1 NCAC 15 .0205	13-02 NCR 175									
1 NCAC 15 .0206	13-02 NCR 175									
1 NCAC 15 .0207	13-02 NCR 175									
1 NCAC 15 .0208	13-02 NCR 175									
1 NCAC 15 .0209	13-02 NCR 175									
1 NCAC 15 .0210	13-02 NCR 175									
1 NCAC 15 .0211	13-02 NCR 175									
1 NCAC 15 .0212	13-02 NCR 175									
1 NCAC 15 .0213	13-02 NCR 175									
1 NCAC 15 .0214	13-02 NCR 175									

Non-Public Education

1 NCAC 40 .0101	13:05 NCR 521									
1 NCAC 40 .0102	13:05 NCR 521									
1 NCAC 40 .0103	13:05 NCR 521									
1 NCAC 40 .0201	13:05 NCR 521									
1 NCAC 40 .0202	13:05 NCR 521									
1 NCAC 40 .0203	13:05 NCR 521									
1 NCAC 40 .0204	13:05 NCR 521									

Purchase and Contract Division

1 NCAC 05A	13-04 NCR 360									
1 NCAC 05B	13-04 NCR 360									
1 NCAC 05B .0301	12-17 NCR 1611									
1 NCAC 05B .0302	12-17 NCR 1611									
1 NCAC 05B .0310	12-17 NCR 1611									

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
1 NCAC 05B .0316		12:17 NCR 1611								
1 NCAC 05B .0401		12:17 NCR 1611								
1 NCAC 05B .0801		12:17 NCR 1611								
1 NCAC 05B .0802		12:17 NCR 1611								
1 NCAC 05B .1301		12:17 NCR 1611								
1 NCAC 05B .1519		12:17 NCR 1611								
1 NCAC 05B .1604		12:17 NCR 1611								
1 NCAC 05B .1906		12:17 NCR 1611								
1 NCAC 05C	13:04 NCR 360									
1 NCAC 05D	13:04 NCR 360									
State Building Commission										
1 NCAC 30F .0305	13:04 NCR 360									
ADMINISTRATIVE HEARINGS										
26 NCAC 01 .0102	N/A	N/A	N/A	N/A	Approve	06/18/98			13:03 NCR 334	
Civil Rights Division										
26 NCAC 04 .0101		12:12 NCR 1071	12:16 NCR 1508	*	Approve	04/15/98			13:01 NCR 43	
26 NCAC 04 .0201		12:12 NCR 1071	12:16 NCR 1508	*	Approve	04/15/98			13:01 NCR 43	
26 NCAC 04 .0202		12:12 NCR 1071	12:16 NCR 1508	*	Approve	04/15/98	*		13:01 NCR 43	
26 NCAC 04 .0202	N/A	N/A	N/A	N/A	Approve	07/23/98				
26 NCAC 04 .0203		12:12 NCR 1071	12:16 NCR 1508	*	Approve	04/15/98			13:01 NCR 43	
26 NCAC 04 .0204		12:12 NCR 1071	12:16 NCR 1508	*	Approve	04/15/98			13:01 NCR 43	
AGRICULTURE										
Structural Pest Control										
2 NCAC 34 .0102	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0302	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0303	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0306	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0308	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	

CUMULATIVE INDEX (Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
2 NCAC 34 .0309	12.09 NCR 743		12.14 NCR 1234	S/L	Approve	04/15/98	*		13.01 NCR 43	Addendum NCR 1419 12.15
2 NCAC 34 .0312	12.09 NCR 743		12.14 NCR 1234	*	Approve	04/15/98			13.01 NCR 43	
2 NCAC 34 .0313	12.09 NCR 743		12.14 NCR 1234	S/L	Approve	04/15/98	*		13.01 NCR 43	Addendum NCR 1419 12.15
2 NCAC 34 .0323	12.09 NCR 743		12.14 NCR 1234	*	Approve	04/15/98			13.01 NCR 43	
2 NCAC 34 .0325	12.09 NCR 743		12.14 NCR 1234	*	Approve	04/15/98	*		13.01 NCR 43	
2 NCAC 34 .0328	12.09 NCR 743		12.14 NCR 1234	*	Approve	04/15/98	*		13.01 NCR 43	
2 NCAC 34 .0401	12.09 NCR 743		12.14 NCR 1234	*	Approve	04/15/98	*		13.01 NCR 43	
2 NCAC 34 .0402	12.09 NCR 743		12.14 NCR 1234	*	Approve	04/15/98			13.01 NCR 43	
2 NCAC 34 .0403	12.09 NCR 743		12.14 NCR 1234	*	Approve	04/15/98	*		13.01 NCR 43	
2 NCAC 34 .0404	12.09 NCR 743		12.14 NCR 1234	*	Object	04/15/98			13.01 NCR 43	
2 NCAC 34 .0406	12.09 NCR 743		12.14 NCR 1234	*	Approve	05/21/98	*		13.02 NCR 249	
2 NCAC 34 .0501	12.09 NCR 743		12.14 NCR 1234	*	Approve	04/15/98	*		13.01 NCR 43	
2 NCAC 34 .0502	12.09 NCR 743		12.14 NCR 1234	*	Approve	04/15/98	*		13.01 NCR 43	
2 NCAC 34 .0503	11.21 NCR 1651		12.06 NCR 455	*	Approve	04/15/98			13.01 NCR 43	
2 NCAC 34 .0503	12.09 NCR 743		12.14 NCR 1234	*	Approve	04/15/98	*		13.01 NCR 43	
2 NCAC 34 .0504	12.09 NCR 743		12.14 NCR 1234	*	Approve	04/15/98	*		13.01 NCR 43	
2 NCAC 34 .0505	12.09 NCR 743		12.14 NCR 1234	*	Approve	04/15/98	*		13.01 NCR 43	
2 NCAC 34 .0506	12.09 NCR 743		12.14 NCR 1234	*	Approve	04/15/98	*		13.01 NCR 43	
2 NCAC 34 .0507	12.09 NCR 743		12.14 NCR 1234	*	Approve	04/15/98	*		13.01 NCR 43	
2 NCAC 34 .0508	12.09 NCR 743		12.14 NCR 1234	*	Approve	04/15/98			13.01 NCR 43	
2 NCAC 34 .0601	12.09 NCR 743									
2 NCAC 34 .0602	11.21 NCR 1651		12.06 NCR 455	*						
2 NCAC 34 .0602	12.09 NCR 743		12.14 NCR 1234	*	Approve	04/15/98	*		13.01 NCR 43	
2 NCAC 34 .0604	11.21 NCR 1651		12.06 NCR 455	*						
2 NCAC 34 .0604	12.09 NCR 743		12.14 NCR 1234	*	Approve	04/15/98	*		13.01 NCR 43	
2 NCAC 34 .0605	11.21 NCR 1651		12.06 NCR 455	*						
2 NCAC 34 .0605	12.09 NCR 743		12.14 NCR 1234	*	Approve	04/15/98	*		13.01 NCR 43	

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
2 NCAC 34 .0701	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0702	12:09 NCR 743									
2 NCAC 34 .0703	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0803	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0902	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0904	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .1101	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
APPRAISAL BOARD										
21 NCAC 57A .0101	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0102	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0201	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0202	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0203	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0204	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0205	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0206	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0207	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0208	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0210	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0301	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0302	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0303	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0304	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0305	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0306	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0401	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0402	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0403	13:01 NCR 3		13:05 NCR 513	*						

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 57A .0404	13.01 NCR 3		13.05 NCR 513	*						
21 NCAC 57A .0405	13.01 NCR 3		13.05 NCR 513	*						
21 NCAC 57A .0406	13.01 NCR 3		13.05 NCR 513	*						
21 NCAC 57A .0407	13.01 NCR 3		13.05 NCR 513	*						
21 NCAC 57A .0501	13.01 NCR 3		13.05 NCR 513	*						
ARCHITECTURE, BOARD OF										
21 NCAC 02 .0208	12.04 NCR 244									
21 NCAC 02 .0210	12.04 NCR 244									
21 NCAC 02 .0904	12.04 NCR 244		12.09 NCR 795	S/L/SE	Object	03/20/98	*		13.01 NCR 43	
21 NCAC 02 .0906	12.04 NCR 244		12.09 NCR 795	S/L/SE	Approve Object	04/15/98 03/20/98	*		13.01 NCR 43	
ATHLETIC TRAINER EXAMINERS, BOARD OF										
21 NCAC 03 .0101		12.18 NCR 1714	12.22 NCR 2007	S						
21 NCAC 03 .0102		12.18 NCR 1714	12.22 NCR 2007	S						
21 NCAC 03 .0103		12.18 NCR 1714	12.22 NCR 2007	S						
21 NCAC 03 .0201		12.18 NCR 1714	12.22 NCR 2007	S						
21 NCAC 03 .0301		12.18 NCR 1714	12.22 NCR 2007	S						
21 NCAC 03 .0302		12.18 NCR 1714	12.22 NCR 2007	S						
21 NCAC 03 .0303		12.18 NCR 1714	12.22 NCR 2007	S						
21 NCAC 03 .0304		12.18 NCR 1714	12.22 NCR 2007	S						
21 NCAC 03 .0401		12.18 NCR 1714	12.22 NCR 2007	S						
ATHLETIC TRAINER EXAMINERS/MEDICAL BOARD COMMITTEE										
21 NCAC 03 .0501		12.18 NCR 1714	12.22 NCR 2007	*						
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS										
21 NCAC 08A .0301	12.08 NCR 619		12.13 NCR 1138	*	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 08A .0301	13.03 NCR 269									
21 NCAC 08A .0309	12.08 NCR 619		12.13 NCR 1138	*	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 08A .0310	13.03 NCR 269									

CUMULATIVE INDEX (Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 08F .0103	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08F .0105	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 08F .0302	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08F .0401	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 08F .0410	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 08G .0404	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08H .0001	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08H .0001	13:03 NCR 269									
21 NCAC 08J .0004	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 08J .0005	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 08J .0001	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 08J .0002	13:03 NCR 269									
21 NCAC 08J .0005	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08J .0006	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08J .0007	13:03 NCR 269									
21 NCAC 08J .0010	13:03 NCR 269									
21 NCAC 08J .0008	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 08J .0008	13:03 NCR 269									
21 NCAC 08J .0010	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08J .0011	13:03 NCR 269									
21 NCAC 08K .0104	13:03 NCR 269									
21 NCAC 08K .0301	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 08M	13:03 NCR 269									
21 NCAC 08M .0101	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08M .0102	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08M .0201	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08M .0204	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 08N 0208	13-03 NCR 269									
21 NCAC 08N 0302	13-03 NCR 269									
21 NCAC 08N 0303	13-03 NCR 269									
21 NCAC 08N 0307	13-03 NCR 269									
CHIROPRACTIC										
21 NCAC 10 0203		12-23 NCR 2098								
COMMERCE										
4 NCAC 01E	11-09 NCR 569									
4 NCAC 01F	11-09 NCR 569									
4 NCAC 01H	11-09 NCR 569									
4 NCAC 01I	11-09 NCR 569									
4 NCAC 01J	11-09 NCR 569									
4 NCAC 01K	11-09 NCR 569									
4 NCAC 01K 0501	11-09 NCR 569									
4 NCAC 01K 0502	11-09 NCR 569									
4 NCAC 01K 0503	11-09 NCR 569									
4 NCAC 01K 0504	11-09 NCR 569									
4 NCAC 01K 0505	11-09 NCR 569									
4 NCAC 01K 0506	11-09 NCR 569									
Community Assistance										
4 NCAC 19L 0805	11-09 NCR 569									
4 NCAC 19L 1900	11-09 NCR 569									
COMMUNITY COLLEGES										
23 NCAC 02C 0307		13-05 NCR 524								
COSMETIC ART EXAMINERS										
21 NCAC 14A 0104	N/A	N/A	N/A	N/A	Approve	07/23/98				
21 NCAC 14H 0105	12-06 NCR 453		12-11 NCR 925	*	Object	03/20/98				
21 NCAC 14I 0107	12-22 NCR 1981		13-02 NCR 246	*	Approve	04/15/98	*		13-01 NCR 43	

(Updated through August 26, 1998)

USS North Carolina Battleship Commission

21 NCAC 16H.0101 12:24 NCR 2203

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NC/AC' 16H 0102	12.24 NCR 2203									
21 NC/AC' 16H 0103	12.24 NCR 2203									
21 NC/AC' 16H 0104	12.24 NCR 2203									
21 NC/AC' 16H 0201	12.24 NCR 2203									
21 NC/AC' 16H 0202	12.24 NCR 2203									
21 NC/AC' 16H 0203	12.24 NCR 2203									
21 NC/AC' 16H 0204	12.24 NCR 2203									
21 NC/AC' 16H 0205	12.24 NCR 2203									
21 NC/AC' 16H 0206	12.24 NCR 2203									
21 NC/AC' 16I 0004	11.20 NCR 1538									
21 NC/AC' 16I 0005	11.20 NCR 1538									
21 NC/AC' 16Q 0101	12.24 NCR 2203									
21 NC/AC' 16Q 0201	12.24 NCR 2203									
21 NC/AC' 16Q 0301	12.24 NCR 2203									
21 NC/AC' 16R 0002	11.20 NCR 1538									
21 NC/AC' 16R 0003	11.20 NCR 1538									
21 NC/AC' 16R 0005	11.20 NCR 1538									
ELECTRICAL CONTRACTORS, EXAMINERS OF										
21 NC/AC' 18B 0108	12.22 NCR 1982		13.05 NCR 502	*						
21 NC/AC' 18B 0201	12.22 NCR 1982		13.05 NCR 502	*						
21 NC/AC' 18B 0202	12.22 NCR 1982		13.05 NCR 502	*						
21 NC/AC' 18B 0203	12.22 NCR 1982		13.05 NCR 502	*						
21 NC/AC' 18B 0209	N/A	N/A	N/A		Approve	04/15/98			13.01 NCR 43	
21 NC/AC' 18B 0402	12.22 NCR 1982		13.05 NCR 502	*						
21 NC/AC' 18B 0404	N/A	N/A	N/A		Approve	04/15/98			13.01 NCR 43	
21 NC/AC' 18B 0406	12.22 NCR 1982		13.05 NCR 502	*						
21 NC/AC' 18B 0501	12.22 NCR 1982		13.05 NCR 502	*						
21 NC/AC' 18B 0504	12.22 NCR 1982		13.05 NCR 502	*						

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 18B .0505	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0701	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0702	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0703	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0704	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0706	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0802	N/A	N/A	N/A		Approve	04/15/98			13:01 NCR 43	
21 NCAC 18B .1001	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .1002	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .1003	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .1004	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .1101	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .1102	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .1104	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .1105	12:22 NCR 1982		13:05 NCR 502	*						
EMPLOYEE ASSISTANCE PROFESSIONALS, BOARD OF										
21 NCAC 11 .0101	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0102	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0103	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0104	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0105	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0106	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0107	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0108	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0109	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0110	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0111	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0112	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						

CUMULATIVE INDEX (Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

ENVIRONMENT AND NATURAL RESOURCES

15A NCAC 01J .0401	12-08 NCR 614	12-09 NCR 833	12-14 NCR 1266	*	Approve	04/15/98			13-01 NCR 43	
15A NCAC 01J .0402	12-08 NCR 614	12-09 NCR 833	12-14 NCR 1266	*	Approve	04/15/98			13-01 NCR 43	
15A NCAC 01K	10-19 NCR 2506									
15A NCAC 01M 0101		11-19 NCR 1439	Temp Expired							
15A NCAC 01M 0102		11-19 NCR 1439	Temp Expired							
15A NCAC 01M 0201		11-19 NCR 1439	Temp Expired							
15A NCAC 01M 0202		11-19 NCR 1439	Temp Expired							
15A NCAC 01M 0301		11-19 NCR 1439	Temp Expired							
15A NCAC 01M 0302		11-19 NCR 1439	Temp Expired							
15A NCAC 01M 0303		11-19 NCR 1439	Temp Expired							
15A NCAC 01M 0304		11-19 NCR 1439	Temp Expired							
15A NCAC 01M 0305		11-19 NCR 1439	Temp Expired							
15A NCAC 01M 0306		11-19 NCR 1439	Temp Expired							
15A NCAC 01N 0101	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	*						
15A NCAC 01N 0102	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	*						
15A NCAC 01N 0103	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S						
15A NCAC 01N 0201	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S						
15A NCAC 01N 0202	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S						
15A NCAC 01N 0203	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S						
15A NCAC 01N 0301	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S						
15A NCAC 01N 0302	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S						
15A NCAC 01N 0303	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S						
15A NCAC 01N 0304	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S						
15A NCAC 01N 0401	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S						
15A NCAC 01N 0402	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S						
15A NCAC 01N 0403	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S						
15A NCAC 01N 0501	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S						

CUMULATIVE INDEX (Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 01N .0502	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0503	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0601	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0602	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0603	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0604	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0605	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0606	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0701	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0702	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0703	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0704	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0705	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0801	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0802	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0901	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0902	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01O .0101	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0102	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0103	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0104	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0105	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0106	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0107	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0108	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0109	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 12B .0901	12:13 NCR 1097	12:03 NCR 209	13:05 NCR 495	L						
Coastal Resources Commission										
Temp. Expired										

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 07 11.01 NCR 183										
15A NCAC 07H 0208 11.19 NCR 1408			11.27 NCR 2058	*						
15A NCAC 07H 0208 12.21 NCR 1873										
15A NCAC 07H 0209 12.21 NCR 1873										
15A NCAC 07H 0210 12.02 NCR 52										
15A NCAC 07H 0300 13.05 NCR 436										
15A NCAC 07H 0306 11.04 NCR 183			11.11 NCR 907	*						
15A NCAC 07H 0306 12.19 NCR 1763										
15A NCAC 07H 0308 12.16 NCR 1489			13.01 NCR 26	S						
15A NCAC 07H 0310 12.11 NCR 919			12.20 NCR 1828	S						
15A NCAC 07H 1100 12.21 NCR 1873										
15A NCAC 07H 1200 12.21 NCR 1873										
15A NCAC 07H 1300 12.21 NCR 1873										
15A NCAC 07H 1400 12.21 NCR 1873										
15A NCAC 07H 1500 12.21 NCR 1873										
15A NCAC 07H 1600 12.21 NCR 1873										
15A NCAC 07H 1600 11.15 NCR 1200										
15A NCAC 07H 1601 11.15 NCR 1200			11.27 NCR 2071	*	Approve	04/15/98			13.01 NCR 43	
15A NCAC 07H 1604 11.15 NCR 1200			11.27 NCR 2071	*	Approve	04/15/98	*		13.01 NCR 43	
15A NCAC 07H 1605 11.15 NCR 1200			11.27 NCR 2071	*	Approve	04/15/98	*		13.01 NCR 43	
15A NCAC 07H 1700 12.21 NCR 1873										
15A NCAC 07H 1705 12.16 NCR 1489			13.01 NCR 26	S						
15A NCAC 07H 2100 13.05 NCR 436										
15A NCAC 07H 2400 13.05 NCR 436										
15A NCAC 07H 0200 12.21 NCR 2202										
15A NCAC 07H 0405 12.21 NCR 2202										
15A NCAC 07K 0203 12.21 NCR 1873										
15A NCAC 07K 0208 12.21 NCR 1873										

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 07L .0202	12:21 NCR 1874									
15A NCAC 07L .0203	12:21 NCR 1874									
15A NCAC 07L .0206	12:21 NCR 1874									
15A NCAC 07L .0302	12:21 NCR 1874									
15A NCAC 07L .0304	12:21 NCR 1874									
15A NCAC 07L .0401	12:21 NCR 1874									
15A NCAC 07L .0405	12:21 NCR 1874									
15A NCAC 07M .0300	12:24 NCR 2202									
15A NCAC 07M .0401	13:04 NCR 361									
15A NCAC 07M .0402	13:04 NCR 361									
15A NCAC 07M .0403	13:04 NCR 361									
15A NCAC 07O .0105	13:02 NCR 176									
15A NCAC 07O .0202	13:02 NCR 176									
Environmental Management Commission										
15A NCAC 02	10:24 NCR 3045									
15A NCAC 02	11:04 NCR 183									
15A NCAC 02	11:19 NCR 1408									
15A NCAC 02B .0101	11:24 NCR 1818									
15A NCAC 02B .0202	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B .0223	11:02 NCR 75		11:30 NCR 2303	*						
15A NCAC 02B .0223	11:03 NCR 109									
15A NCAC 02B .0227	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0230	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B .0231	11:02 NCR 75		11:10 NCR 824	L/SE						
			11:14 NCR 1136							
			11:10 NCR 824	L	Object Approve	01/15/98				
15A NCAC 02B .0233	11:02 NCR 75		11:14 NCR 1136	L		02/19/98	*		12:22 NCR 2012	Pending Leg. Action
		12:02 NCR 77								
		12:14 NCR 1348								

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 02B .0245	12:23 NCR 2088	12:20 NCR 1836	12:06 NCR 462	S/L/SE						
15A NCAC 02B .0246	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0247	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0248	12:23 NCR 2088		13:04 NCR 368	L/SE						
15A NCAC 02B .0249	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0250	12:23 NCR 2088		13:04 NCR 368	SE						
15A NCAC 02B .0251	12:23 NCR 2088		13:04 NCR 368	L/SE						
15A NCAC 02B .0308	12:12 NCR 993		12:21 NCR 1879	*						
15A NCAC 02B .0308	12:14 NCR 1233		12:23 NCR 2091	L						
15A NCAC 02B .0308	12:16 NCR 1489		12:19 NCR 1769	*						
15A NCAC 02B .0309	12:14 NCR 1233		12:19 NCR 1769	*						
15A NCAC 02B .0311	12:10 NCR 865		12:20 NCR 1825	*						
15A NCAC 02B .0311	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0313	12:10 NCR 865		12:20 NCR 1825	*						
15A NCAC 02B .0316	11:26 NCR 1976		12:01 NCR 6	*	Approve	01/15/98	*		12:21 NCR 1886	Extend Com. Period 12:13 NCR 1095 Pending Leg. Action
15A NCAC 02D .0101	12:02 NCR 52	N/A	N/A							
15A NCAC 02D .0101	12:16 NCR 1482									
15A NCAC 02D .0105	N/A								13:01 NCR 43	
15A NCAC 02D .0108	11:15 NCR 1200									
15A NCAC 02D .0307	11:15 NCR 1200									
15A NCAC 02D .0405	12:16 NCR 1482		13:03 NCR 270	*						
15A NCAC 02D .0409	12:16 NCR 1482		13:03 NCR 270	*						
15A NCAC 02D .0410	12:16 NCR 1482		13:03 NCR 270							
15A NCAC 02D .0501	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0501	11:15 NCR 1200									
15A NCAC 02D .0501	11:04 NCR 183									

CUMULATIVE INDEX (Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 02D .0503	10:24 NCR 3045		13:03 NCR 270	*						
15A NCAC 02D .0504	10:24 NCR 3045		13:03 NCR 270	*						
15A NCAC 02D .0518	11:19 NCR 1408									
15A NCAC 02D .0521	11:15 NCR 1200									
15A NCAC 02D .0524	11:15 NCR 1200									
15A NCAC 02D .0525	11:15 NCR 1200									
15A NCAC 02D .0535	10:18 NCR 2317		12:08 NCR 650	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02D .0540	13:04 NCR 356									
15A NCAC 02D .0601	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0602	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0604	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0605	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0606	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0607	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0608	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0610	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0610	11:15 NCR 1200									
15A NCAC 02D .0611	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0611	11:15 NCR 1200									
15A NCAC 02D .0612	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0612	11:15 NCR 1200									
15A NCAC 02D .0613	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0613	11:15 NCR 1200									
15A NCAC 02D .0614	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0614	11:15 NCR 1200									
15A NCAC 02D .0615	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0615	11:15 NCR 1200									
15A NCAC 02D .0806	11:26 NCR 1976									

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NC'AC' 02D .0902	11-19 NCR 1408									
15A NC'AC' 02D .0903	10-18 NCR 2318		12-22 NCR 1983	*						
15A NC'AC' 02D .0903	11-15 NCR 1200									
15A NC'AC' 02D .0909	11-19 NCR 1408									
15A NC'AC' 02D .0912	11-15 NCR 1200									
15A NC'AC' 02D .0917	11-19 NCR 1408									
15A NC'AC' 02D .0918	11-19 NCR 1408									
15A NC'AC' 02D .0919	11-19 NCR 1408									
15A NC'AC' 02D .0920	11-19 NCR 1408									
15A NC'AC' 02D .0921	11-19 NCR 1408									
15A NC'AC' 02D .0922	11-19 NCR 1408									
15A NC'AC' 02D .0923	11-19 NCR 1408									
15A NC'AC' 02D .0924	11-19 NCR 1408									
15A NC'AC' 02D .0927	10-18 NCR 2317		12-08 NCR 650	*	Approve	04/15/98			13-01 NCR 43	
15A NC'AC' 02D .0934	11-19 NCR 1408									
15A NC'AC' 02D .0948	11-19 NCR 1408									
15A NC'AC' 02D .0949	11-19 NCR 1408									
15A NC'AC' 02D .0950	11-19 NCR 1408									
15A NC'AC' 02D .0951	11-19 NCR 1408									
15A NC'AC' 02D .0952	12-16 NCR 1482									
15A NC'AC' 02D .0954	11-15 NCR 1200									
15A NC'AC' 02D .1100	11-08 NCR 442									
15A NC'AC' 02D .1102	11-08 NCR 442		12-08 NCR 650	SI	Approve	04/15/98			13-01 NCR 43	
15A NC'AC' 02D .1103	11-08 NCR 442		12-08 NCR 650	SI	Approve	04/15/98	*		13-01 NCR 43	
15A NC'AC' 02D .1103	13-04 NCR 356									
15A NC'AC' 02D .1104	11-08 NCR 442		12-08 NCR 650	SI	Approve	04/15/98	*		13-01 NCR 43	
15A NC'AC' 02D .1104	12-02 NCR 52	12-02 NCR 77								
15A NC'AC' 02D .1104	13-04 NCR 356									

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 02D .1105	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .1105	11:15 NCR 1200									
15A NCAC 02D .1106	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02D .1106	11:26 NCR 1976		12:08 NCR 650	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02D .1201	10:18 NCR 2317		13:03 NCR 270	L						
15A NCAC 02D .1201	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1202	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1203	11:15 NCR 1200		13:03 NCR 270	L						
15A NCAC 02D .1203	12:16 NCR 1482		12:22 NCR 1983	*						
15A NCAC 02D .1204	10:18 NCR 2318		13:03 NCR 270	L						
15A NCAC 02D .1204	12:16 NCR 1482		12:08 NCR 650	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02D .1205	10:18 NCR 2317		13:03 NCR 270	L						
15A NCAC 02D .1205	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1206	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1208	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1209	12:16 NCR 1482		12:22 NCR 1983	*						
15A NCAC 02D .1404	10:18 NCR 2318		13:03 NCR 270	*						
15A NCAC 02D .1404	11:15 NCR 1200		13:03 NCR 270	*						
15A NCAC 02D .1501	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .1502	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .1503	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .1504	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .1601	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .1700	12:02 NCR 52									
15A NCAC 02D .1903	12:16 NCR 1482									
15A NCAC 02D .1904	12:16 NCR 1482									
15A NCAC 02D .2001	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .2002	12:20 NCR 1817		13:03 NCR 270	*						

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 02D .2003	12-20 NCR 1817		13-03 NCR 270	*						
15A NCAC 02D .2004	12-20 NCR 1817		13-03 NCR 270	*						
15A NCAC 02D .2005	12-20 NCR 1817		13-03 NCR 270	*						
15A NCAC 02D .2100	13-04 NCR 356									
15A NCAC 02D .2200	11-26 NCR 1976									
15A NCAC 02H .0226	12-20 NCR 1817	13-04 NCR 426	13-05 NCR 491	*						
15A NCAC 02H .0610	10-18 NCR 2317		12-08 NCR 650	*						
15A NCAC 02H .0610	11-08 NCR 442									
15A NCAC 02H .0610	12-02 NCR 57	12-02 NCR 77								
15A NCAC 02H .0800	13-04 NCR 356									
15A NCAC 02H .1202	11-15 NCR 1200									
15A NCAC 02H .1203	11-15 NCR 1200									
15A NCAC 02H .1204	11-15 NCR 1200									
15A NCAC 02H .1205	11-15 NCR 1200									
15A NCAC 02L	11-15 NCR 1200									
15A NCAC 02L .0106	11-15 NCR 1204									
15A NCAC 02L .0106		10-19 NCR 2508	11-21 NCR 1639	*	Approve	12/18/98	*		12-17 NCR 1620	Pending Leg. Action
15A NCAC 02L .0115	11-15 NCR 1200	12-08 NCR 713								
15A NCAC 02L .0115	11-15 NCR 1204		11-21 NCR 1639	L	Object Approve	12/18/97 02/19/98	*		12-22 NCR 2012	Pending Leg. Action
15A NCAC 02L .0202	10-20 NCR 2591	12-08 NCR 713								
15A NCAC 02L .0202	13-04 NCR 356									
15A NCAC 02N	11-15 NCR 1200									
15A NCAC 02N	11-15 NCR 1204									
15A NCAC 02N .0701	11-15 NCR 1200	12-08 NCR 713	11-21 NCR 1639	*	Approve	12/18/97	*		12-17 NCR 1620	Pending Leg. Action
15A NCAC 02N .0707	11-15 NCR 1204	12-08 NCR 713	11-21 NCR 1639	*	Object Approve	12/18/97 02/19/98	*		12-22 NCR 2012	Pending Leg. Action
15A NCAC 02P	11-15 NCR 1200									
15A NCAC 02P .0402	11-15 NCR 1204	10-19 NCR 2512	11-21 NCR 1639	*	Approve	12/18/97			12-17 NCR 1620	Pending Leg. Action
15A NCAC 02P .0402	11-15 NCR 1204	12-08 NCR 713								

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 02Q .0101	10:18 NCR 2317		12:08 NCR 650	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0102	10:18 NCR 2317		12:08 NCR 650	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0102			11:06 NCR 350	*						
15A NCAC 02Q .0102	11:19 NCR 1408									
15A NCAC 02Q .0102	12:02 NCR 52		13:03 NCR 270	*						
15A NCAC 02Q .0102	12:16 NCR 1482									
15A NCAC 02Q .0103	12:16 NCR 1482		13:03 NCR 270	*						
15A NCAC 02Q .0103	12:20 NCR 1817									
15A NCAC 02Q .0107	12:16 NCR 1482		13:03 NCR 270	*						
15A NCAC 02Q .0304	11:26 NCR 1976		13:03 NCR 270	*						
15A NCAC 02Q .0306	11:26 NCR 1976		13:03 NCR 270	*						
15A NCAC 02Q .0309	11:26 NCR 1976		13:03 NCR 270	*						
15A NCAC 02Q .0314	11:26 NCR 1976		13:03 NCR 270	*						
15A NCAC 02Q .0315	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02Q .0301	10:18 NCR 2317		12:08 NCR 650	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0401	12:04 NCR 240		13:03 NCR 270	*						
15A NCAC 02Q .0402	12:04 NCR 240		13:03 NCR 270	*						
15A NCAC 02Q .0501	10:18 NCR 2317		12:08 NCR 650	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0511	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02Q .0700	11:08 NCR 442									
15A NCAC 02Q .0701	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02Q .0702	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02Q .0703	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0703	13:04 NCR 356									
15A NCAC 02Q .0704	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0705	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02Q .0706	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02Q .0707	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02Q .0708	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	

CUMULATIVE INDEX (Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 02Q .0709	11-08 NCR 442		12-08 NCR 650	SE	Approve	04/15/98	*		13-01 NCR 43	
15A NCAC 02Q .0710	11-08 NCR 442		12-08 NCR 650	SE	Approve	04/15/98			13-01 NCR 43	
15A NCAC 02Q .0711	11-08 NCR 442		12-08 NCR 650	SE	Approve	04/15/98			13-01 NCR 43	
15A NCAC 02Q .0711	13-04 NCR 356									
15A NCAC 02Q .0712	11-08 NCR 442		12-08 NCR 650	SE	Approve	04/15/98			13-01 NCR 43	
15A NCAC 02Q .0713	11-08 NCR 442		12-08 NCR 650	SE	Approve	04/15/98			13-01 NCR 43	
15A NCAC 02Q .0801	12-02 NCR 52		13-03 NCR 270	*						
15A NCAC 02Q .0803	12-02 NCR 52		13-03 NCR 270	*						
15A NCAC 02Q .0808	12-16 NCR 1482		13-03 NCR 270	*						
15A NCAC 02R .0101	12-02 NCR 52		12-14 NCR 1267	*	Approve	04/15/98	*		13-01 NCR 43	
15A NCAC 02R .0102	12-02 NCR 52		12-14 NCR 1267	*	Approve	04/15/98	*		13-01 NCR 43	
15A NCAC 02R .0201	12-02 NCR 52		12-14 NCR 1267	*	Approve	04/15/98	*		13-01 NCR 43	
15A NCAC 02R .0202	12-02 NCR 52		12-14 NCR 1267	S	Approve	04/15/98	*		13-01 NCR 43	
15A NCAC 02R .0203	12-02 NCR 52		12-14 NCR 1267	S	Approve	04/15/98	*		13-01 NCR 43	
15A NCAC 02R .0204	12-02 NCR 52		12-14 NCR 1267	S						
15A NCAC 02R .0205	12-02 NCR 52		12-14 NCR 1267	S						
15A NCAC 02R .0301	12-02 NCR 52		12-14 NCR 1267	*	Approve	04/15/98	*		13-01 NCR 43	
15A NCAC 02R .0302	12-02 NCR 52		12-14 NCR 1267	S	Approve	04/15/98	*		13-01 NCR 43	
15A NCAC 02R .0401	12-02 NCR 52		12-14 NCR 1267	S	Approve	04/15/98	*		13-01 NCR 43	
15A NCAC 02R .0402	12-02 NCR 52		12-14 NCR 1267	S	Approve	04/15/98	*		13-01 NCR 43	
15A NCAC 02R .0403	12-02 NCR 52		12-14 NCR 1267	S	Approve	04/15/98	*		13-01 NCR 43	
15A NCAC 02R .0501	12-02 NCR 52		12-14 NCR 1267	S	Approve	04/15/98	*		13-01 NCR 43	
15A NCAC 02R .0502		11-27 NCR 2075	12-14 NCR 1267	*	Approve	04/15/98	*		13-01 NCR 43	
15A NCAC 02R .0503		11-27 NCR 2075	12-14 NCR 1267	*	Approve	04/15/98	*		13-01 NCR 43	
15A NCAC 02R .0504		11-27 NCR 2075	12-14 NCR 1267	*	Approve	04/15/98	*		13-01 NCR 43	
15A NCAC 02R .0600	12-02 NCR 52								13-01 NCR 43	

Health Services, Commission for

15A NCAC 13A .0100 12-02 NCR 52

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 13A .0109	12:07 NCR 509		12:22 NCR 2000	*						
15A NCAC 13A .0110	12:07 NCR 509		12:22 NCR 2000	*						
15A NCAC 13A .0111	12:07 NCR 509		12:22 NCR 2000	*						
15A NCAC 13B .1301		12:12 NCR 1064	12:24 NCR 2211	*						
15A NCAC 13B .1624	11:19 NCR 1764	13:03 NCR 325	12:24 NCR 2211	L						
15A NCAC 13B .1627	11:08 NCR 442		11:13 NCR 1055	*						
15A NCAC 13B .1800	11:08 NCR 442									
15A NCAC 13B .1800	11:26 NCR 1976									
15A NCAC 18A	11:04 NCR 183									
15A NCAC 18A .0425		12:14 NCR 1352								
15A NCAC 18A .0432		12:14 NCR 1352								
15A NCAC 18A .1601		12:21 NCR 1882								
15A NCAC 18A .1611		12:21 NCR 1882								
15A NCAC 18A .1720	12:16 NCR 1482	12:18 NCR 1713								
		12:21 NCR 1882								
		12:24 NCR 2228								
15A NCAC 18A .1810		12:24 NCR 2228								
15A NCAC 18A .2308	12:03 NCR 168		12:07 NCR 519	*	Ext. Review Object	12/18/97				
15A NCAC 18A .2309	12:03 NCR 168		12:07 NCR 519	*	Ext. Review Object	01/15/98				
15A NCAC 18A .2508	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2513	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2515	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2517	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2518	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2522	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2526	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2528	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2530	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2531	12:08 NCR 614		13:01 NCR 31	*						

CUMULATIVE INDEX (Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NC'AC' 18A .2532	12:08 NCR 614		13:01 NCR 31	*						
15A NC'AC' 18A .2535	12:08 NCR 614		13:01 NCR 31	*						
15A NC'AC' 18A .2537	12:08 NCR 614		13:01 NCR 31	*						
15A NC'AC' 18A .2539	12:08 NCR 614		13:01 NCR 31	*						
15A NC'AC' 18A .2543	12:08 NCR 614		13:01 NCR 31	*						
15A NC'AC' 18A .2600	12:04 NCR 240									
15A NC'AC' 18A .2612		12:14 NCR 1352								
15A NC'AC' 18A .2801	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NC'AC' 18A .2802	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NC'AC' 18A .2803	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NC'AC' 18A .2804	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NC'AC' 18A .2805	12:16 NCR 1482									
15A NC'AC' 18A .2806	12:16 NCR 1482									
15A NC'AC' 18A .2807	12:16 NCR 1482									
15A NC'AC' 18A .2808	12:16 NCR 1482		13:02 NCR 235	*						
15A NC'AC' 18A .2809	12:16 NCR 1482									
15A NC'AC' 18A .2810	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NC'AC' 18A .2811	12:16 NCR 1482									
15A NC'AC' 18A .2812	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NC'AC' 18A .2813	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NC'AC' 18A .2814	12:16 NCR 1482									
15A NC'AC' 18A .2815	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NC'AC' 18A .2816	12:16 NCR 1482									
15A NC'AC' 18A .2817	12:16 NCR 1482		13:02 NCR 235	*						
15A NC'AC' 18A .2818	12:16 NCR 1482									
15A NC'AC' 18A .2819	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NC'AC' 18A .2820	12:16 NCR 1482		13:02 NCR 235	*						
15A NC'AC' 18A .2821	12:16 NCR 1482									

CUMULATIVE INDEX (Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 18A .2822	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2823	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2824	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2825	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2826	12:16 NCR 1482									
15A NCAC 18A .2827	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2828	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2829	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2830	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2831	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2832	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2833	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2834	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2835	12:16 NCR 1482									
15A NCAC 18A .2836	12:16 NCR 1482									
15A NCAC 18A .3101	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	07/23/98				
15A NCAC 18A .3102	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	07/23/98				
15A NCAC 18A .3103	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98				
15A NCAC 18A .3104	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*			
15A NCAC 18A .3105	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	07/23/98				
15A NCAC 18A .3106	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*			
15A NCAC 18A .3107	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*			
15A NCAC 18A .3108	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	07/23/98				
15A NCAC 18A .3109	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	07/23/98				
15A NCAC 18A .3110	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*			
15A NCAC 18A .3111	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98				
15A NCAC 18C	13:04 NCR 356									
15A NCAC 19A .0101	12:02 NCR 52	12:02 NCR 88								

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NC'AC' 21H 0110	12-20 NCR 1822									
15A NC'AC' 21H 0111	12-20 NCR 1822									
15A NC'AC' 21H 0113	12-20 NCR 1822									
15A NC'AC' 26C 0001	11-19 NCR 1408									
15A NC'AC' 26C 0002	11-19 NCR 1408									
15A NC'AC' 26C 0003	11-19 NCR 1408									
15A NC'AC' 26C 0004	11-19 NCR 1408									
15A NC'AC' 26C 0005	11-19 NCR 1408									
15A NC'AC' 26C 0006	11-19 NCR 1408									
15A NC'AC' 26C 0007	11-19 NCR 1408									
Land Resources/Land Quality										
15A NC'AC' 04B 0006	12-20 NC'AC' 1817									
15A NC'AC' 04B 0007	12-20 NC'AC' 1817									
15A NC'AC' 04B 0027	12-20 NC'AC' 1817									
Marine Fisheries Commission										
15A NC'AC' 03 11-11 NCR 881										
15A NC'AC' 03 11-20 NCR 1537										
15A NC'AC' 03 11-26 NCR 1985										
15A NC'AC' 03H 0103	12-23 NCR 2089									
15A NC'AC' 03L 0101	12-23 NCR 2089		13-03 NCR 303	*						
15A NC'AC' 03J 0107	12-23 NCR 2089		13-03 NCR 303	*						
15A NC'AC' 03J 0109	12-23 NCR 2089		13-03 NCR 303	*						
15A NC'AC' 03J 0202	11-07 NCR 407		11-11 NCR 888	*						
15A NC'AC' 03J 0202	11-26 NCR 1976	12-12 NCR 1063	12-05 NCR 418	*	Approve	04/15/98	*		13-01 NCR 43	
			12-12 NCR 1002	*	Approve	04/15/98	*		13-01 NCR 43	
15A NC'AC' 03L 0102	11-07 NCR 407		11-11 NCR 888	*						
15A NC'AC' 03M 0503	12-19 NCR 1762	12-23 NCR 2094	13-03 NCR 303	*						
15A NC'AC' 03M 0507	12-23 NCR 2089	12-23 NCR 2094	13-03 NCR 303	*						
15A NC'AC' 03M 0513	11-26 NCR 1976		12-05 NCR 418	*						

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 03M .0513	11:26 NCR 1985		12:12 NCR 1002	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 03M .0515	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03O .0303		12:23 NCR 2094	13:03 NCR 303	*						
15A NCAC 03O .0306		12:19 NCR 1780	13:03 NCR 303	*						
		12:23 NCR 2094	13:03 NCR 303	*						
15A NCAC 03P .0103	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P .0201	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P .0202	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P .0203	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P .0301	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P .0302	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P .0303	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P .0304	12:23 NCR 2089		13:03 NCR 303	*						

Parks and Recreation Commission

15A NCAC 12A .0001	12:13 NCR 1097
15A NCAC 12A .0004	12:13 NCR 1097
15A NCAC 12A .0005	12:13 NCR 1097
15A NCAC 12B .0101	12:13 NCR 1097
15A NCAC 12B .0104	12:13 NCR 1097
15A NCAC 12B .0106	12:13 NCR 1097
15A NCAC 12B .0203	12:13 NCR 1097
15A NCAC 12B .0401	12:13 NCR 1097
15A NCAC 12B .0402	12:13 NCR 1097
15A NCAC 12B .0501	12:13 NCR 1097
15A NCAC 12B .0602	12:13 NCR 1097
15A NCAC 12B .0701	12:13 NCR 1097
15A NCAC 12B .0702	12:13 NCR 1097
15A NCAC 12B .0802	12:13 NCR 1097
15A NCAC 12B .1001	12:13 NCR 1097

CUMULATIVE INDEX (Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
Radiation Protection										
15A NCAC 12B .1004	12-13 NCR 1097									
15A NCAC 12B .1102	12-13 NCR 1097									
15A NCAC 12B .1201	12-13 NCR 1097									
15A NCAC 11 .0104	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0111	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0117	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0305	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0317	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0318	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0321	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0323	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0339	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0353	12-22 NCR 1979		13-04 NCR 378	S						
15A NCAC 11 .0359	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0360	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0361	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0362	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0502	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0503	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0506	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0507	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0508	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0509	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0510	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0511	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0512	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0513	12-22 NCR 1979		13-04 NCR 378	*						

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 11 .0515	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0516	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0517	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0520	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0521	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0522	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0523	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0524	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0525	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0702	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0703	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .1003	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .1100	12:04 NCR 240		13:04 NCR 378	*						
15A NCAC 11 .1400	12:04 NCR 240		13:04 NCR 378	*						
15A NCAC 11 .1633	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .1635	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .1647	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .1653	12:22 NCR 1979		13:04 NCR 378	*						
Soil & Water Conservation										
15A NCAC 06E .0105	12:20 NCR 1817		13:01 NCR 25	*						
Water Pollution Control System Operators Certification Commission										
15A NCAC 08A .0101	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08A .0202	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08A .0301	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08A .0302	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08A .0303	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0101	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0102	11:26 NCR 1976		13:02 NCR 204	*						

CUMULATIVE INDEX (Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NC'AC' 08B .0103	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0104	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0105	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0106	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0108	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0109	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0201	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0202	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0203	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0204	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0205	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0207	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0208	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0209	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0210	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0211	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0212	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0213	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0214	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0301	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0302	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0303	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0304	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0402	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0403	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0405	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0406	11:26 NCR 1976		13.02 NCR 204	*						
15A NC'AC' 08B .0502	11:26 NCR 1976		13.02 NCR 204	*						

CUMULATIVE INDEX (Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 08B .0506	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C .0002	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C .0004	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C .0005	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C .0006	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C .0007	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C .0008	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08D .0002	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08D .0004	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08D .0005	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08D .0006	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08E	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08F	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0101	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0102	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0201	11:26 NCR 1976		13:02 NCR 204	S/L						
15A NCAC 08G .0202	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0203	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0204	11:26 NCR 1976		13:02 NCR 204	S/L						
15A NCAC 08G .0205	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0301	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0302	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0303	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0304	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0305	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0306	11:26 NCR 1976		13:02 NCR 204	S/L						
15A NCAC 08G .0307	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0308	11:26 NCR 1976		13:02 NCR 204	*						

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status			Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Status	Date				
15A NCAC 08G .0401	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0402	11-26 NCR 1976		13-02 NCR 204	S/L							
15A NCAC 08G .0403	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0404	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0405	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0406	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0407	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0408	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0409	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0501	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0502	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0503	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0504	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0505	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0601	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0602	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0603	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0604	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0701	11-26 NCR 1976		13-02 NCR 204	S/L							
15A NCAC 08G .0801	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0802	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0803	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0804	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0901	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .0902	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .1001	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .1002	11-26 NCR 1976		13-02 NCR 204	*							
15A NCAC 08G .1101	11-26 NCR 1976		13-02 NCR 204	*							

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 08G .1102	11:26 NCR 1976		13:02 NCR 204	*						
Wildlife Resources Commission										
Public Notice - 15A NCAC 10B .0105										
15A NCAC 10B .0113	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	13:04 NCR 353
15A NCAC 10B .0200	12:06 NCR 445									
15A NCAC 10B .0202	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10B .0203	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10B .0207	12:06 NCR 445	13:04 NCR 427	12:24 NCR 2205	*						
15A NCAC 10B .0209	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10B .0216	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10C .0203	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10C .0205	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10C .0212	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10C .0302	13:01 NCR 3		13:05 NCR 492	*						
15A NCAC 10C .0304	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10C .0305	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10C .0305	13:01 NCR 3		13:05 NCR 492	*						
15A NCAC 10C .0400	13:01 NCR 3									
15A NCAC 10C .0401	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10C .0402	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10C .0404	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10C .0405	13:01 NCR 3		13:05 NCR 492	*						
15A NCAC 10C .0407	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10D	12:18 NCR 1694									
15A NCAC 10D .0002	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10D .0003	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10D .0003	12:18 NCR 1694		12:24 NCR 2205	*						
15A NCAC 10D .0004	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 10F 0102	12-06 NCR 445		12-12 NCR 1004	*	Approve	04/15/98	*		13-01 NCR 43	
15A NCAC 10F 0103	12-06 NCR 445		12-12 NCR 1004	*	Approve	04/15/98	*		13-01 NCR 43	
15A NCAC 10F 0104	12-06 NCR 445		12-12 NCR 1004	*	Approve	04/15/98			13-01 NCR 43	
15A NCAC 10F 0105	12-06 NCR 445		12-12 NCR 1004	*	Approve	04/15/98			13-01 NCR 43	
15A NCAC 10F 0109	12-06 NCR 445		12-12 NCR 1004	*	Approve	04/15/98			13-01 NCR 43	
15A NCAC 10F 0301	12-19 NCR 1763	12-24 NCR 2224	12-24 NCR 2224	*						
15A NCAC 10F 0303	12-19 NCR 1763									
15A NCAC 10F 0303	N/A		N/A		Approve	05/21/98			13-02 NCR 249	
15A NCAC 10F 0305	12-10 NCR 865	12-16 NCR 1518	12-16 NCR 1518	*	Approve	07/23/98				
15A NCAC 10F 0310	12-19 NCR 1763	12-24 NCR 2224	12-24 NCR 2224	L						
15A NCAC 10F 0311	12-11 NCR 920	12-24 NCR 2224	12-17 NCR 1608	L	Approve	07/23/98				
15A NCAC 10F 0314	12-19 NCR 1763									
15A NCAC 10F 0317	12-11 NCR 920	12-24 NCR 2224	12-17 NCR 1608	L	Approve	07/23/98				
15A NCAC 10F 0318	12-06 NCR 445									
15A NCAC 10F 0327	12-11 NCR 920	12-24 NCR 2224	12-17 NCR 1608	L	Approve	07/23/98	*			
15A NCAC 10F 0330	13-03 NCR 269									
15A NCAC 10F 0345	12-06 NCR 445	12-19 NCR 1781	12-12 NCR 1004	*	Approve	04/15/98			13-01 NCR 43	
15A NCAC 10F 0347	12-06 NCR 445	12-19 NCR 1781	12-12 NCR 1004	*	Approve	04/15/98			13-01 NCR 43	
15A NCAC 10F 0359	12-19 NCR 1763									
15A NCAC 10G 0402	12-06 NCR 445		12-12 NCR 1004	*	Approve	04/15/98			13-01 NCR 43	
15A NCAC 10G 0403	12-06 NCR 445		12-12 NCR 1004	*	Approve	04/15/98			13-01 NCR 43	
15A NCAC 10G 0404	12-06 NCR 445		12-12 NCR 1004	*	Extend Review Object	04/15/98				
					Approve	06/18/98	*			
15A NCAC 10H 0802	12-06 NCR 445		12-13 NCR 1127	*	Approve	07/23/98	*		13-01 NCR 43	
15A NCAC 10H 0810	12-06 NCR 445		12-13 NCR 1137	*	Approve	04/15/98	*		13-01 NCR 43	
					Approve	04/15/98	*			

FINAL DECISION LETTERS

Voting Rights Act

Voting Rights Act

13-02 NCR 173

13-04 NCR 354

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

GENERAL CONTRACTORS LICENSING BOARD

21 NCAC 12 .0204 11:28 NCR 2117 12:04 NCR 292 * Approve 04/15/98 * 13:01 NCR 43

21 NCAC 12 .0503 11:28 NCR 2117

21 NCAC 12 .0504 11:28 NCR 2117

21 NCAC 12 .0902 11:28 NCR 2117

21 NCAC 12 .0905 11:28 NCR 2117

21 NCAC 12 .0906 11:28 NCR 2117

21 NCAC 12 .0907 11:28 NCR 2117

21 NCAC 12 .0908 11:28 NCR 2117

21 NCAC 12 .0909 11:28 NCR 2117

21 NCAC 12 .0910 11:28 NCR 2117

21 NCAC 12 .0911 11:28 NCR 2117

21 NCAC 12 .0912 11:28 NCR 2117

GOVERNOR'S EXECUTIVE ORDERS

Number 136 - Eff. 06/05/98

13:01 NCR 1

HEALTH AND HUMAN SERVICES

Aging

10 NCAC 22 10:23 NCR 2956

Child Day Care Commission

10 NCAC 03U .0102 12:21 NCR 1873

10 NCAC 03U .0300 12:21 NCR 1873

10 NCAC 03U .0302 12:08 NCR 617

10 NCAC 03U .0602 11:24 NCR 1817 12:08 NCR 710

10 NCAC 03U .0604 11:24 NCR 1817 12:08 NCR 710

10 NCAC 03U .0605 11:24 NCR 1817 12:08 NCR 710

10 NCAC 03U .0605 12:08 NCR 710

10 NCAC 03U .0703 12:08 NCR 617

10 NCAC 03U .0704 12:08 NCR 617

12:13 NCR 1098 * Object Approve 03/20/98 04/15/98 13:01 NCR 43

12:13 NCR 1098 S/L 12:23 NCR 2100 Pending Leg. Action
12:13 NCR 1098 * Approve 03/20/98 12:23 NCR 2100 Pending Leg. Action
12:13 NCR 1098 * Object 03/20/98

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NC'AC' 03U .0705	11-14 NCR 1108		11-27 NCR 2054	*	Approve	04/15/98	*		13-01 NCR 43	Pending Leg. Action
10 NC'AC' 03U .0705	11-24 NCR 1817	12-08 NCR 710								
10 NC'AC' 03U .0707	12-08 NCR 617		12-13 NCR 1098	*	Approve	03/20/98	*		12-23 NCR 2100	Pending Leg. Action
10 NC'AC' 03U .0708	12-08 NCR 617		12-13 NCR 1098	*	Approve	03/20/98	*		12-23 NCR 2100	Pending Leg. Action
10 NC'AC' 03U .0710	12-08 NCR 617		12-13 NCR 1098	*	Approve	04/15/98	*		13-01 NCR 43	Pending Leg. Action
10 NC'AC' 03U .0806	12-08 NCR 617		12-13 NCR 1098	*	Approve	04/15/98	*		13-01 NCR 43	
10 NC'AC' 03U .0901	11-08 NCR 449		11-17 NCR 1338	*	Object	03/20/98				
10 NC'AC' 03U .1600	12-21 NCR 1873									
10 NC'AC' 03U .1700	12-21 NCR 1873									
10 NC'AC' 03U .1720	12-08 NCR 617		12-13 NCR 1098	*	Object Approve	03/20/98 04/15/98	*		13-01 NCR 43	
10 NC'AC' 03U .2000	12-21 NCR 1873									
10 NC'AC' 03U .2500	12-21 NCR 1873									
Facility Services										
Certificate of Public Advantage (COPA)										
Public Notice - Draft 1999 State Medical Facilities Plan										
10 NC'AC' 03R .0214	12-08 NCR 617		13-03 NCR 270	*						13-03 NCR 261
10 NC'AC' 03R .3000	11-23 NCR 1780									13-02 NCR 171
10 NC'AC' 03R .3001	10-23 NCR 2956		11-06 NCR 328	S/I/SL						
10 NC'AC' 03R .3030	10-23 NCR 2956		11-06 NCR 328	S/I/SL						
10 NC'AC' 03R .3032	10-23 NCR 2956		11-06 NCR 328	S/I/SL						
10 NC'AC' 03R .3040	10-23 NCR 2956		11-06 NCR 328	S/I/SL						
10 NC'AC' 03R .3050	10-23 NCR 2956		11-06 NCR 328	S/I/SL						
10 NC'AC' 03R .3051		12-15 NCR 1431	13-02 NCR 178	*						
10 NC'AC' 03R .3053		11-22 NCR 1713								
10 NC'AC' 03R .3053		12-06 NCR 481								
10 NC'AC' 03R .3060		12-06 NCR 481								
10 NC'AC' 03R .3061		12-06 NCR 481								

CUMULATIVE INDEX (Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 03R .3063		12:06 NCR 481								
10 NCAC 03R .3065		12:06 NCR 481								
10 NCAC 03R .3072		12:06 NCR 481								
10 NCAC 03R .6001	11:22 NCR 1704									
10 NCAC 03R .6101		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6102		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6103		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6104		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6105		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6106		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6107		12:15 NCR 1431	13:02 NCR 178	S/L/SE						
10 NCAC 03R .6108		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6109		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6110		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6111		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6112		12:15 NCR 1431	13:02 NCR 178	S/L/SE						
10 NCAC 03R .6113		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6114		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6115		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6116		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6117		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6118		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6119		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6120		12:15 NCR 1431	13:02 NCR 178	S/L/SE						
10 NCAC 03R .6121		12:15 NCR 1431	13:02 NCR 178	S/L/SE						
10 NCAC 03R .6122		12:15 NCR 1431	13:02 NCR 178	S/L/SE						
10 NCAC 03R .6123		12:15 NCR 1431	13:02 NCR 178	S/L/SE						
10 NCAC 03R .6124		12:15 NCR 1431	13:02 NCR 178	S/L/SE						

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 03R .6125		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6126		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6127		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6128		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6129		12:15 NCR 1431	13:02 NCR 178	S/L/SIE						
10 NCAC 03R .6130		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6131		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6132		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6133		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6134		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6135		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6136		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6137		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6138		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6139		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6140		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6141		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03S	12:24 NCR 2194									
Health Services										
15A NCAC 16A .0101	12:22 NCR 1979		13:02 NCR 234	*						
15A NCAC 16A .0106	12:22 NCR 1979		13:02 NCR 234	*						
15A NCAC 16A .0108	12:22 NCR 1979		13:02 NCR 234	*						
15A NCAC 19C .0206		12:15 NCR 1451	13:05 NCR 496	S						
15A NCAC 24A .0101	12:22 NCR 1979		13:02 NCR 244	*						
15A NCAC 24A .0102	12:22 NCR 1979		13:02 NCR 244	*						
15A NCAC 24A .0302	12:22 NCR 1979		13:02 NCR 244	*						
15A NCAC 24A .0402	12:22 NCR 1979		13:02 NCR 244	*						
15A NCAC 24A .0403	12:22 NCR 1979		13:02 NCR 244	*						

CUMULATIVE INDEX (Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 24A .0404	12:22 NCR 1979		13:02 NCR 244	*						
Medical Assistance										
10 NCAC 26B .0103	12:18 NCR 1694		13:01 NCR 5	*						
10 NCAC 26D .0110	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 26H .0101	11:14 NCR 1108									
10 NCAC 26H .0102	11:14 NCR 1108									
10 NCAC 26H .0102	12:09 NCR 743	12:14 NCR 1341	12:18 NCR 1696	S/L/SE	Approve	07/23/98				
10 NCAC 26H .0211	12:09 NCR 743	12:14 NCR 1341	12:18 NCR 1696	S/L/SE	Approve	07/23/98				
10 NCAC 26H .0212		12:09 NCR 827								
10 NCAC 26H .0213		11:26 NCR 1997								
10 NCAC 26H .0213		12:09 NCR 827								
10 NCAC 26H .0304		13:03 NCR 316		S/L						
10 NCAC 26H .0401	12:08 NCR 618	12:14 NCR 1341	12:21 NCR 1875	S/L	Approve	07/23/98				
10 NCAC 26H .0401		13:02 NCR 248								
10 NCAC 26H .0602		12:04 NCR 313	12:15 NCR 1419	S/L	Approve	04/15/98	*		13:01 NCR 43	
10 NCAC 26I .0101	13:02 NCR 175									
10 NCAC 26K .0106	12:05 NCR 337									
10 NCAC 26K .0106	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 26M .0201	12:06 NCR 444		13:01 NCR 5	*						
10 NCAC 26M .0202	12:06 NCR 444		13:01 NCR 5	*						
10 NCAC 26M .0203	12:05 NCR 337									
10 NCAC 26M .0203	12:06 NCR 444		13:01 NCR 5	*						
10 NCAC 26M .0204	12:06 NCR 444		13:01 NCR 5	*						
10 NCAC 26M .0305	13:02 NCR 175									
10 NCAC 50A .0604	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 50B .0202	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 50B .0302	13:02 NCR 175									

Ext. Com. Period
13:05 NCR 435
Ext. Com. Period
13:05 NCR 435

Extend. Com. Period
13:05 NCR 435
Extend. Com. Period
13:05 NCR 435

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 50B .0311	13-03 NCR 268									
10 NCAC 50B .0313	13-02 NCR 175									
Medical Care Commission										
10 NCAC 03D 1500	11-23 NCR 1779									
Mental Health, Developmental Disabilities and Substance Abuse Services										
10 NCAC 14G .0102		12-12 NCR 1060	12-19 NCR 1766	*	Object Approve	06/18/98 07/23/98	*			
10 NCAC 14V .0800	12-20 NCR 1820									
10 NCAC 14V .3800	12-20 NCR 1820									
10 NCAC 14V 4000	12-20 NCR 1820									
10 NCAC 14V 4301	12-19 NCR 1762									
10 NCAC 14V .4302	12-19 NCR 1762									
10 NCAC 14V .4303	12-19 NCR 1762									
10 NCAC 14V .4304	12-19 NCR 1762									
10 NCAC 14V .4305	12-19 NCR 1762									
10 NCAC 14V .4306	12-19 NCR 1762									
10 NCAC 14V .5000	12-20 NCR 1820									
10 NCAC 45H .0205	11-19 NCR 1762	12-24 NCR 2223	13-05 NCR 487	*						
Secretary of Health and Human Services										
10 NCAC 14C .1151	12-20 NCR 1820		13-02 NCR 198	*						
10 NCAC 14V .7006		12-01 NCR 31	12-07 NCR 511	*						
10 NCAC 14V .7201	13-05 NCR 436									
10 NCAC 21B .0117		12-17 NCR 1616	12-21 NCR 1875	S	Approve	07/23/98				
10 NCAC 49B .0315		12-18 NCR 1703	13-02 NCR 203	*						
Social Services Commission										
10 NCAC 24A .0508	12-12 NCR 993	12-13 NCR 1180	12-23 NCR 2090	*	Approve	05/21/98			13-02 NCR 249	
10 NCAC 30 .0207	12-11 NCR 919	12-14 NCR 1347	12-15 NCR 1420	*	Object Approve	05/21/98 07/23/98	*			
10 NCAC 41A .0107		12-11 NCR 938	12-15 NCR 1420	*						
10 NCAC 41E .0401	12-11 NCR 919		13-05 NCR 438	*						

CUMULATIVE INDEX (Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 41E .0403	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0404	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0405	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0406	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0501	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0502	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0503	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0504	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0505	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0506	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0507	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0508	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0509	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0510	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0511	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0512	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0513	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0514	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0515	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0516	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0517	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0518	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0601	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0602	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0603	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0604	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0605	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41E .0606	12:11 NCR 919		13:05 NCR 438	*						

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NC'AC' 41E .0701	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41E .0702	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41E .0703	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41E .0704	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41E .0707		12:11 NCR 938	12:15 NCR 1420	S	Approve	05/21/98			13:02 NCR 249	
10 NC'AC' 41E .0813		12:11 NCR 938	12:15 NCR 1420	S	Approve	05/21/98			13:02 NCR 249	
10 NC'AC' 41G .0501	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0502	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0504	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0505	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0506	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0507	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0508	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0509	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0510	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0511	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0512	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0513	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0601	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0602	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0603	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0604	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0605	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0606	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0701	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0702	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0703	12:11 NCR 919		13:05 NCR 438	*						
10 NC'AC' 41G .0704	12:11 NCR 919		13:05 NCR 438	*						

CUMULATIVE INDEX (Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 41G .0705	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .0706	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .0707	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .0708	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .0801	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .0802	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .0803	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .0804	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .0805	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .0806	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .0807	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .0808	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .0809	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .0902	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1001	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1002	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1004	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1005	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1006	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1007	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1008	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1009	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1010	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1011	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1012	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1013	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1101	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1102	12:11 NCR 919		13:05 NCR 438	*						

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NC'AC' 41G .1103	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1104	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1105	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1106	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1201	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1202	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1203	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1204	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1205	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1206	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1207	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1208	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1301	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1302	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1303	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1304	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1305	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1306	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1307	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1308	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1309	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41G .1402	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41I .0100	10.17 NCR 2228									
10 NC'AC' 41I .0102	10.17 NCR 2228		10.21 NCR 2687	*						
10 NC'AC' 41R .0101	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41R .0102	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41R .0103	12.11 NCR 919		13.05 NCR 438	*						
10 NC'AC' 41R .0104	12.11 NCR 919		13.05 NCR 438	*						

CUMULATIVE INDEX (Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 41R .0105	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41R .0106	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41R .0107	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0101	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0102	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0201	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0202	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0203	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0204	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0301	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0302	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0303	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0304	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0305	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0306	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0307	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0401	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0402	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0403	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0404	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0405	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0406	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0407	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0501	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0502	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0503	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0504	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0505	12:11 NCR 919		13:05 NCR 438	*						

CUMULATIVE INDEX (Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 41S .0506	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0601	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0602	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0603	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0604	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0605	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0606	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0607	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0608	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0609	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0610	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0611	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0612	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0613	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0614	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0615	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0701	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0702	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0703	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0704	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0705	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0706	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0707	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0708	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0709	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0710	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0711	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0712	12:11 NCR 919		13:05 NCR 438	*						

CUMULATIVE INDEX (Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 41S .0713	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0101	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0102	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0103	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0104	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0105	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0106	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0201	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0202	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0203	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0204	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0205	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0206	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 42C .2301	12:22 NCR 1979		13:05 NCR 438	*						
10 NCAC 42C .3401		12:13 NCR 1180	13:02 NCR 200	*						
10 NCAC 42C .3403		12:13 NCR 1180	13:02 NCR 200	*						
10 NCAC 42C .3404		12:13 NCR 1180	13:02 NCR 200	*						
10 NCAC 42C .3601		12:13 NCR 1180	13:02 NCR 200	*						
10 NCAC 42R .0201	12:11 NCR 919	12:13 NCR 1180	12:23 NCR 2090	S/L						
10 NCAC 47A .0502		12:11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98			13:02 NCR 249	
10 NCAC 47B .0102		12:11 NCR 938	12:15 NCR 1420	*	Object	05/21/98	*		13:03 NCR 334	
10 NCAC 47B .0303		12:11 NCR 938	12:15 NCR 1420	*	Approve	06/18/98			13:02 NCR 249	
10 NCAC 47B .0304		12:11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98			13:02 NCR 249	
10 NCAC 47B .0305		12:11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98	*		13:02 NCR 249	
10 NCAC 47B .0403		12:11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98	*		13:02 NCR 249	
10 NCAC 49B .0608	12:20 NCR 1822	13:03 NCR 320		*	Approve	05/21/98	*		13:02 NCR 249	

Vocational Rehabilitation Services

10 NCAC 20C .0100 12:24 NCR 2202

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NC AC 20C 0203	12-24 NCR 2202									
10 NC AC 20C 0206	12-24 NCR 2202									
INSURANCE										
11 NC AC 06	12-09 NCR 744									
11 NC AC 12	12-09 NCR 744									
11 NC AC 12 0800	13-01 NCR 2									
11 NC AC 12 0840	13-01 NCR 2	13-03 NCR 323								
11 NC AC 12 0841	13-01 NCR 2	13-03 NCR 323								
11 NC AC 12 0842	13-01 NCR 2	13-03 NCR 323								
11 NC AC 12 1003	13-01 NCR 2		13-05 NCR 489	*						
11 NC AC 12 1025	13-01 NCR 2		13-05 NCR 489	*						
11 NC AC 12 1026	13-01 NCR 2		13-05 NCR 489	*						
11 NC AC 12 1212	13-01 NCR 2		13-05 NCR 489	*						
11 NC AC 12 1801		12-11 NCR 942	12-15 NCR 1424	*	Approve	04/15/98			13-01 NCR 43	
11 NC AC 12 1802		12-11 NCR 942	12-15 NCR 1424	*	Approve	04/15/98			13-01 NCR 43	
11 NC AC 12 1803		12-11 NCR 942	12-15 NCR 1424	*	Approve	04/15/98	*		13-01 NCR 43	
11 NC AC 12 1804		12-11 NCR 942	12-15 NCR 1424	*	Approve	04/15/98	*		13-01 NCR 43	
11 NC AC 13	12-09 NCR 744									
11 NC AC 14	12-09 NCR 744									
11 NC AC 15	12-09 NCR 744									
11 NC AC 16	12-09 NCR 744									
11 NC AC 17	12-09 NCR 744									
11 NC AC 20	12-09 NCR 744									
11 NC AC 21	12-09 NCR 744									
North Carolina Manufactured Housing Board										
11 NC AC 8 0912	13-01 NCR 2		13-05 NCR 488	*						

JUSTICE

Alarm Systems Licensing Board

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
12 NCAC 11	11:30 NCR 2300									
12 NCAC 11 .0204	12:12 NCR 993		12:20 NCR 1823	*						
12 NCAC 11 .0210	12:08 NCR 618		12:20 NCR 1823	*						
12 NCAC 11 .0501	11:30 NCR 2300		12:20 NCR 1823	*						
12 NCAC 11 .0502	11:30 NCR 2300		12:20 NCR 1823	*						
12 NCAC 11 .0503	11:30 NCR 2300		12:20 NCR 1823	*						
12 NCAC 11 .0504	11:30 NCR 2300		12:20 NCR 1823	*						
12 NCAC 11 .0505	11:30 NCR 2300		12:20 NCR 1823	*						
12 NCAC 11 .0506	11:30 NCR 2300		12:20 NCR 1823	*						
12 NCAC 11 .0507	11:30 NCR 2300		12:20 NCR 1823	*						
Criminal Justice Education and Training Standards Commission										
12 NCAC 09A .0103	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0101	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0210	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0211	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0212	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0213	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0214	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0215	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0218	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0219	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0220	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0221	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0222	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0301	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0309	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0310	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0311	12:21 NCR 1873		13:01 NCR 6	*						

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status			Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Object	Date				
12 NCAC 09B .0404	12-21 NCR 1873		13-01 NCR 6	*							
12 NCAC 09B .0408	12-21 NCR 1873		13-01 NCR 6	*							
12 NCAC 09B .0409	12-21 NCR 1873		13-01 NCR 6	*							
12 NCAC 09B .0414	12-21 NCR 1873		13-01 NCR 6	*							
12 NCAC 09B .0416	12-21 NCR 1873		13-01 NCR 6	*							
12 NCAC 09C .0308	12-21 NCR 1873		13-01 NCR 6	*							
Private Protective Services Board											
12 NCAC 07D .0204	11-14 NCR 1108		12-08 NCR 622	*	Object	03/20/98					
12 NCAC 07D .1106	11-14 NCR 1108		12-08 NCR 622	*	Approve	06/18/98		*		13-03 NCR 334	
12 NCAC 07D .1201	11-10 NCR 818		12-14 NCR 1263	*	Object	03/20/98					
12 NCAC 07D .1202	11-10 NCR 818		12-14 NCR 1263	*	Approve	06/18/98		*		13-03 NCR 334	
12 NCAC 07D .1301	11-16 NCR 1268		12-14 NCR 1263	*	Object	03/20/98					
12 NCAC 07D .1302	11-16 NCR 1268		12-14 NCR 1263	*	Approve	06/18/98		*			
12 NCAC 07D .1303	11-16 NCR 1268		12-14 NCR 1263	*							
12 NCAC 07D .1304	11-16 NCR 1268		12-14 NCR 1263	*							
12 NCAC 07D .1305	11-16 NCR 1268		12-14 NCR 1263	*							
12 NCAC 07D .1306	11-16 NCR 1268		12-14 NCR 1263	*							
12 NCAC 07D .1307	11-16 NCR 1268		12-14 NCR 1263	*							
Sheriffs' Education and Training Standards Commission											
12 NCAC 10B .0206	12-07 NCR 508	12-18 NCR 1703	12-18 NCR 1703	*	Approve		06/18/98			13-03 NCR 334	
12 NCAC 10B .1103	12-07 NCR 508	12-18 NCR 1703	12-08 NCR 624								
12 NCAC 10B .1104	12-07 NCR 508	12-18 NCR 1703	12-08 NCR 624								
LABOR											
13 NCAC WORD Div	13-03 NCR 268										
Boiler and Pressure Vessel Division											
13 NCAC 13	13-03 NCR 269										
Occupational Safety and Health											
13 NCAC 07A .0900	11-11 NCR 881										

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
13 NCAC 07F	11:03 NCR 106									
13 NCAC 07F	13:02 NCR 176									
13 NCAC 07F .0201	11:03 NCR 106									
13 NCAC 07F .0301	11:03 NCR 106									
Wage and Hour Division										
13 NCAC 12 .0101	13:03 NCR 268									
13 NCAC 12 .0303	13:03 NCR 268									
13 NCAC 12 .0304	13:03 NCR 268									
13 NCAC 12 .0305	13:03 NCR 268									
13 NCAC 12 .0306	13:03 NCR 268									
13 NCAC 12 .0307	13:03 NCR 268									
13 NCAC 12 .0501	13:03 NCR 268									
13 NCAC 12 .0502	13:03 NCR 268									
13 NCAC 12 .0801	13:03 NCR 268									
13 NCAC 12 .0802	13:03 NCR 268									
LANDSCAPE ARCHITECTS, BOARD OF										
21 NCAC 26 .0104		12:08 NCR 730								
21 NCAC 26 .0105		12:08 NCR 730								
21 NCAC 26 .0302		12:08 NCR 730								
21 NCAC 26 .0506		12:08 NCR 730								
21 NCAC 26 .0507		12:08 NCR 730								
21 NCAC 26 .0508		12:08 NCR 730								
21 NCAC 26 .0509		12:08 NCR 730								
MEDICAL BOARD										
21 NCAC 32B	11:18 NCR 1369									
21 NCAC 32B	12:04 NCR 245									
21 NCAC 32F .0103		11:18 NCR 1386	12:04 NCR 294							*
		Temp Expired								
21 NCAC 32F .0103		12:14 NCR 1354	12:21 NCR 1881							*

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 32H .0402		12.04 NCR 314								
21 NCAC 32M	12.19 NCR 1765									
21 NCAC 32O	11.18 NCR 1369									
MORTUARY SCIENCE, BOARD OF										
21 NCAC 34A .0201		12.07 NCR 556								
21 NCAC 34C	12.09 NCR 745									
MUNICIPAL INCORPORATIONS PETITION										
NURSING, BOARD OF										
21 NCAC 36 .0227	12.05 NCR 338									
OPTICIANS, BOARD OF										
21 NCAC 40 .0108		12.07 NCR 557								
OPTOMETRY, BOARD OF										
21 NCAC 42	12.06 NCR 453									
21 NCAC 42E .0102		12.06 NCR 487	12.12 NCR 1058	*	Approve	04/15/98			13.01 NCR 43	
PHARMACY, BOARD OF										
21 NCAC 46.1317	13.01 NCR 3									
21 NCAC 46.1414	N/A	N/A	N/A		Approve	04/15/98			13.01 NCR 43	
21 NCAC 46.1414	12.24 NCR 2203									
21 NCAC 46.1601	12.03 NCR 168									
21 NCAC 46.1601	12.24 NCR 2203		12.07 NCR 527	*						
21 NCAC 46.1606	13.01 NCR 3		12.09 NCR 797	*	Approve	03/20/98			12.23 NCR 2100	Pending Leg. Action
21 NCAC 46.1608	12.24 NCR 2203		13.04 NCR 419	*						
21 NCAC 46.1609	12.24 NCR 2203									
21 NCAC 46.1612	12.24 NCR 2203		13.04 NCR 419	*						
21 NCAC 46.1703	12.24 NCR 2203		13.04 NCR 419	*						
21 NCAC 46.1706	12.24 NCR 2203		13.04 NCR 419	*						

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 46 1804	12:03 NCR 168		12:07 NCR 527 12:09 NCR 797 13:02 NCR 246 13:04 NCR 419	*	State Budget	03/20/98				
21 NCAC 46 1809	12:24 NCR 2203			SE						
21 NCAC 46 1813	N/A	N/A	N/A	*						
21 NCAC 46 2103	12:03 NCR 168		12:07 NCR 527 12:09 NCR 797 12:07 NCR 527 12:09 NCR 797 13:04 NCR 419	*	Approve	04/15/98		13:01 NCR 43		
21 NCAC 46 2301	12:03 NCR 168		12:07 NCR 527 12:09 NCR 797 13:04 NCR 419	*						
21 NCAC 46 2304	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 2306	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 2502	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 2506	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 2604	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 2609	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 2611	N/A	N/A	N/A		Approve	04/15/98			13:01 NCR 43	
21 NCAC 46 2611	12:24 NCR 2203		13:04 NCR 419	*						
PHYSICAL THERAPY EXAMINERS										
21 NCAC 48A .0103	12:08 NCR 619		12:13 NCR 1150	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	
21 NCAC 48A .0105	12:08 NCR 619		12:13 NCR 1150	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	
21 NCAC 48C .0401	12:08 NCR 619		12:13 NCR 1150	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	
21 NCAC 48D .0102	12:08 NCR 619		12:13 NCR 1150	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	
21 NCAC 48D .0105	12:08 NCR 619		12:13 NCR 1150	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	
21 NCAC 48D .0112	12:08 NCR 619		12:13 NCR 1150	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	
21 NCAC 48F .0102	12:08 NCR 619		12:13 NCR 1150	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	
21 NCAC 48G .0203	12:08 NCR 619		12:13 NCR 1150	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	
21 NCAC 48G .0404	12:08 NCR 619		12:13 NCR 1150	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	



CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 48G .0601	12-08 NCR 619		12-13 NCR 1150	*	Approve Object	04/15/98 03/20/98	*		13-01 NCR 43	
21 NCAC 50 .0106	12-07 NCR 509				Approve	04/15/98	*		13-01 NCR 43	
21 NCAC 50 .0202	12-07 NCR 509									
21 NCAC 50 .0301	12-07 NCR 509	12-07 NCR 557	12-16 NCR 1490	*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 50 .0306	12-07 NCR 509	12-07 NCR 557	12-16 NCR 1490	*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 50 .0404	12-07 NCR 509	12-07 NCR 557	12-16 NCR 1490	*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 50 .0405	12-07 NCR 509		12-16 NCR 1490	*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 50 .0506	12-07 NCR 509	12-07 NCR 557								
21 NCAC 50 .0510	12-07 NCR 509		12-16 NCR 1490	*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 50 .0511	12-07 NCR 509	12-07 NCR 557	12-16 NCR 1490	*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 50 .1102	12-07 NCR 509	12-07 NCR 557	12-16 NCR 1490	S	Approve	04/15/98			13-01 NCR 43	
21 NCAC 50 .1104	12-07 NCR 509		12-16 NCR 1490	*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 50 .1201	12-07 NCR 509									
21 NCAC 50 .1205	12-07 NCR 509									
21 NCAC 50 .1206	12-07 NCR 509									
21 NCAC 50 .1210	12-07 NCR 509									
21 NCAC 50 .1212	12-07 NCR 509									
21 NCAC 50 .1302	12-07 NCR 509									
PROFESSIONAL ENGINEERS AND LAND SURVEYORS										
21 NCAC 56 .0103	12-08 NCR 619		12-16 NCR 1492	*	Approve	04/15/98	*		13-01 NCR 43	
21 NCAC 56 .0104	12-08 NCR 619		12-16 NCR 1492	*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 56 .0401	12-08 NCR 619		12-16 NCR 1492	*	Approve	04/15/98	*		13-01 NCR 43	
21 NCAC 56 .0403	12-08 NCR 619		12-16 NCR 1492	*	Approve	04/15/98	*		13-01 NCR 43	
21 NCAC 56 .0404	12-08 NCR 619		12-16 NCR 1492	*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 56 .0405	12-08 NCR 619		12-16 NCR 1492	*	Approve	04/15/98			13-01 NCR 43	

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 56 .0501	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0502	12:08 NCR 619		12:16 NCR 1492	S	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0503	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0505	12:08 NCR 619		12:16 NCR 1492	S	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0601	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0602	12:08 NCR 619		12:16 NCR 1492	S	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0603	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0606	12:08 NCR 619		12:16 NCR 1492	S	Approve	04/15/98			13:01 NCR 43	
21 NCAC 56 .0701	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0702	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 56 .0901	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0902	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 56 .1102	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1103	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 56 .1104	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1105	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 56 .1106	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1201	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1203	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1205	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1206	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1301	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1302	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1403	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1409	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1411	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1602	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1603	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1604	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 56 .1703	12-08 NCR 619		12-16 NCR 1492	*	Approve	04/15/98	*		13-01 NCR 43	
21 NCAC 56 .1704	12-08 NCR 619		12-16 NCR 1492	*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 56 .1705	12-08 NCR 619		12-16 NCR 1492	*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 56 .1711	12-08 NCR 619		12-16 NCR 1492	*	Approve	04/15/98			13-01 NCR 43	
PSYCHOLOGY BOARD										
21 NCAC 54 .1611	12-05 NCR 338									
21 NCAC 54 .1612	12-05 NCR 338									
21 NCAC 54 .1613	12-05 NCR 338									
21 NCAC 54 .2006	12-05 NCR 338									
21 NCAC 54 .2010	12-05 NCR 338									
21 NCAC 54 .2104	12-05 NCR 338									
21 NCAC 54 .2301	12-05 NCR 338									
21 NCAC 54 .2302	12-05 NCR 338									
21 NCAC 54 .2303	12-05 NCR 338									
21 NCAC 54 .2304	12-05 NCR 338									
21 NCAC 54 .2305	12-05 NCR 338									
21 NCAC 54 .2306	12-05 NCR 338									
21 NCAC 54 .2307	12-05 NCR 338									
21 NCAC 54 .2308	12-05 NCR 338									
21 NCAC 54 .2309	12-05 NCR 338									
21 NCAC 54 .2310	12-05 NCR 338									
21 NCAC 54 .2311	12-05 NCR 338									
21 NCAC 54 .2312	12-05 NCR 338									
21 NCAC 54 .2313	12-05 NCR 338									
21 NCAC 54 .2314	12-05 NCR 338									
21 NCAC 54 .2401	12-05 NCR 338									
21 NCAC 54 .2402	12-05 NCR 338									
21 NCAC 54 .2501	12-05 NCR 338									

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 54 .2502	12:05 NCR 338									
21 NCAC 54 .2503	12:05 NCR 338									
21 NCAC 54 .2504	12:05 NCR 338									
21 NCAC 54 .2505	12:05 NCR 338									
21 NCAC 54 .2601	12:05 NCR 338									
21 NCAC 54 .2602	12:05 NCR 338									
21 NCAC 54 .2704	12:05 NCR 338									
21 NCAC 54 .2705	12:05 NCR 338									
21 NCAC 54 .2706	12:05 NCR 338									
PUBLIC EDUCATION										
16 NCAC 06C .0310		12:03 NCR 210	12:01 NCR 18	*						Temp Filed over obj
16 NCAC 06C .0502		12:09 NCR 834	12:19 NCR 1773	N/A						
16 NCAC 06C .0602			12:12 NCR 1050	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	
16 NCAC 06D .0103		12:22 NCR 2010								
16 NCAC 06E .0105		12:05 NCR 433	12:19 NCR 1773	N/A						
16 NCAC 06E .0301		13:05 NCR 523								
16 NCAC 06G .0305			12:19 NCR 1773	N/A						
16 NCAC 06G .0310			12:19 NCR 1773	N/A						
16 NCAC 06G .0311		12:22 NCR 2010								
16 NCAC 06G .0501		12:12 NCR 1071	12:19 NCR 1773	N/A						
Public School Administration, Standards Board for										
16 NCAC 07 .0202		12:07 NCR 533	12:12 NCR 1052	*	Approve	04/15/98	*		13:01 NCR 43	
REVENUE										
17 NCAC 04D .0204			13:05 NCR 496	S/SE						
17 NCAC 04D .0303			13:05 NCR 496	S/SE						
17 NCAC 04D .0305			13:05 NCR 496	S/SE						
17 NCAC 04D .0401			13:05 NCR 496	S/SE						

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
17 NC'AC' 04D 0402			13.05 NCR 496	S/SI						
17 NC'AC' 04D 0501			13.05 NCR 496	S/SI						
17 NC'AC' 04D 0505			13.05 NCR 496	S/SI						
17 NC'AC' 04D 0506			13.05 NCR 496	S/SI						
17 NC'AC' 04D 0508			13.05 NCR 496	S/SI						
17 NC'AC' 04D 0610			13.05 NCR 496	S/SI						
17 NC'AC' 04D 0901			13.05 NCR 496	S/SI						
17 NC'AC' 04D 0902			13.05 NCR 496	S/SI						
17 NC'AC' 04D 0903			13.05 NCR 496	S/SI						
17 NC'AC' 04D 0907			13.05 NCR 496	S/SI						
17 NC'AC' 04D 0908			13.05 NCR 496	S/SI						
17 NC'AC' 04D 1001			13.05 NCR 496	S/SI						
17 NC'AC' 04D 1003			13.05 NCR 496	S/SI						
17 NC'AC' 05B 1402	N/A	N/A	N/A		Approve	04/15/98			13.01 NCR 43	
17 NC'AC' 05B 1703	N/A	N/A	N/A		Approve	04/15/98			13.01 NCR 43	
17 NC'AC' 05C 0102			12.14 NCR 1285	*						
17 NC'AC' 05C 0703			12.14 NCR 1285	*						
17 NC'AC' 06B 3204			12.17 NCR 1610	*	Approve	06/18/98			13.03 NCR 334	
17 NC'AC' 09L 0302			12.17 NCR 1610	*	Approve	06/18/98			13.03 NCR 334	13.03 NCR 262
Tax Review Board										
SECRETARY OF STATE										
18 NC'AC' 06 1104		12.07 NCR 534	12.14 NCR 1312	*	Object	03/20/98	*		13.01 NCR 43	
18 NC'AC' 06 1206		12.07 NCR 534	12.14 NCR 1312	*	Approve	04/15/98	*		13.01 NCR 43	
18 NC'AC' 06 1212		12.07 NCR 534	12.14 NCR 1312	*	Approve	04/15/98	*		13.01 NCR 43	
18 NC'AC' 06 1401		12.07 NCR 534	12.14 NCR 1312	*	Approve	04/15/98	*		13.01 NCR 43	
18 NC'AC' 06 1509		12.07 NCR 534	12.14 NCR 1312	*	Approve	04/15/98	*		13.01 NCR 43	
18 NC'AC' 06 1702		12.07 NCR 534	12.14 NCR 1312	*	Approve	04/15/98	*		13.01 NCR 43	

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

18 NCAC 06 .1703		12:07 NCR 534	12:14 NCR 1312	*	Approve Object	04/15/98	*		13:01 NCR 43	
18 NCAC 06 .1705		12:07 NCR 534	12:14 NCR 1312	*	Approve Object	03/20/98	*		13:01 NCR 43	
18 NCAC 06 .1706		12:07 NCR 534	12:14 NCR 1312	*	Approve Object	03/20/98	*		13:01 NCR 43	
18 NCAC 06 .1802		12:07 NCR 534	12:14 NCR 1312	*	Approve Object	04/15/98	*		13:01 NCR 43	
18 NCAC 06 .1803		12:07 NCR 534	12:14 NCR 1312	*	Approve Object	03/20/98	*		13:01 NCR 43	
18 NCAC 06 .1805		12:07 NCR 534	12:14 NCR 1312	*	Approve Object	04/15/98	*		13:01 NCR 43	
18 NCAC 06 .1811		12:07 NCR 534	12:14 NCR 1312	*	Object Approve Object Approve	03/20/98 04/15/98 03/20/98 04/15/98	*		13:01 NCR 43 13:01 NCR 43 13:01 NCR 43	

SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGIST, BOARD OF EXAMINERS

21 NCAC 64 .0303 11:23 NCR 1780

STATE PERSONNEL COMMISSION

25 NCAC 01B .0354	13:05 NCR 436
25 NCAC 01B .0437	13:05 NCR 436
25 NCAC 01D .2516	11:13 NCR 1062 Temp Expired
25 NCAC 01D .2517	12:09 NCR 835

25 NCAC 01H .0602	13:05 NCR 436
25 NCAC 01H .0605	13:05 NCR 436
25 NCAC 01H .0606	13:05 NCR 436
25 NCAC 01J .0503	13:05 NCR 436
25 NCAC 01J .0512	13:05 NCR 436
25 NCAC 01J .0603	13:05 NCR 436

SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD

21 NCAC 68	12:09 NCR 745									
21 NCAC 68 .0101	12:11 NCR 944	12:15 NCR 1426	S/L	Approve	04/15/98	*			13:01 NCR 43	
21 NCAC 68 .0102	N/A	N/A		Approve	04/15/98				13:01 NCR 43	
21 NCAC 68 .0301	12:11 NCR 944	12:15 NCR 1426	S/L	Approve	04/15/98	*			13:01 NCR 43	

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NC'AC' 68 0302		12 11 NCR 944	12 15 NCR 1426	S/L	Approve	04/15/98			13 01 NCR 43	
21 NC'AC' 68 0303		12 11 NCR 944	12 15 NCR 1426	S/L	Approve	04/15/98	*		13 01 NCR 43	
21 NC'AC' 68 0304		12 11 NCR 944	12 15 NCR 1426	S/L	Approve	04/15/98			13 01 NCR 43	
21 NC'AC' 68 0305		12 11 NCR 944	12 15 NCR 1426	S/L	Object	04/15/98	*		13 02 NCR 249	
21 NC'AC' 68 0306		12 11 NCR 944	12 15 NCR 1426	S/L	Approve	05/21/98			13 01 NCR 43	
21 NC'AC' 68 0307		12 11 NCR 944	12 15 NCR 1426	S/L	Approve	04/15/98			13 01 NCR 43	
21 NC'AC' 68 0602	12 09 NCR 745		12 15 NCR 1426	S/L	Approve	04/15/98			13 01 NCR 43	
21 NC'AC' 68 0603	12 09 NCR 745		12 15 NCR 1426	S/L	Approve	04/15/98	*		13 01 NCR 43	
21 NC'AC' 68 0608	12 09 NCR 745		12 15 NCR 1426	S/L	Approve	04/15/98			13 01 NCR 43	

TRANSPORTATION

Highways, Division of

19A NC'AC' 02D 0406	12 22 NCR 1980
19A NC'AC' 02D 0415	12 18 NCR 1694
19A NC'AC' 02D 0816	12 19 NCR 1764
19A NC'AC' 02E 0221	13 04 NCR 361
19A NC'AC' 02E 0222	13 04 NCR 361

Motor Vehicles, Division of

19A NC'AC' 03I 0100	11 19 NCR 1413
19A NC'AC' 03I 0200	11 19 NCR 1413
19A NC'AC' 03I 0202	12 18 NCR 1695
19A NC'AC' 03I 0203	12 18 NCR 1695
19A NC'AC' 03I 0300	11 19 NCR 1413
19A NC'AC' 03I 0400	11 19 NCR 1413
19A NC'AC' 03I 0500	11 19 NCR 1413
19A NC'AC' 03I 0501	12 18 NCR 1695
19A NC'AC' 03I 0502	12 18 NCR 1695
19A NC'AC' 03I 0503	12 18 NCR 1695
19A NC'AC' 03I 0600	11 19 NCR 1413

CUMULATIVE INDEX

(Updated through August 26, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

19A NCAC 031 .0700 11:19 NCR 1413

19A NCAC 031 .0800 11:19 NCR 1413

Rail Division

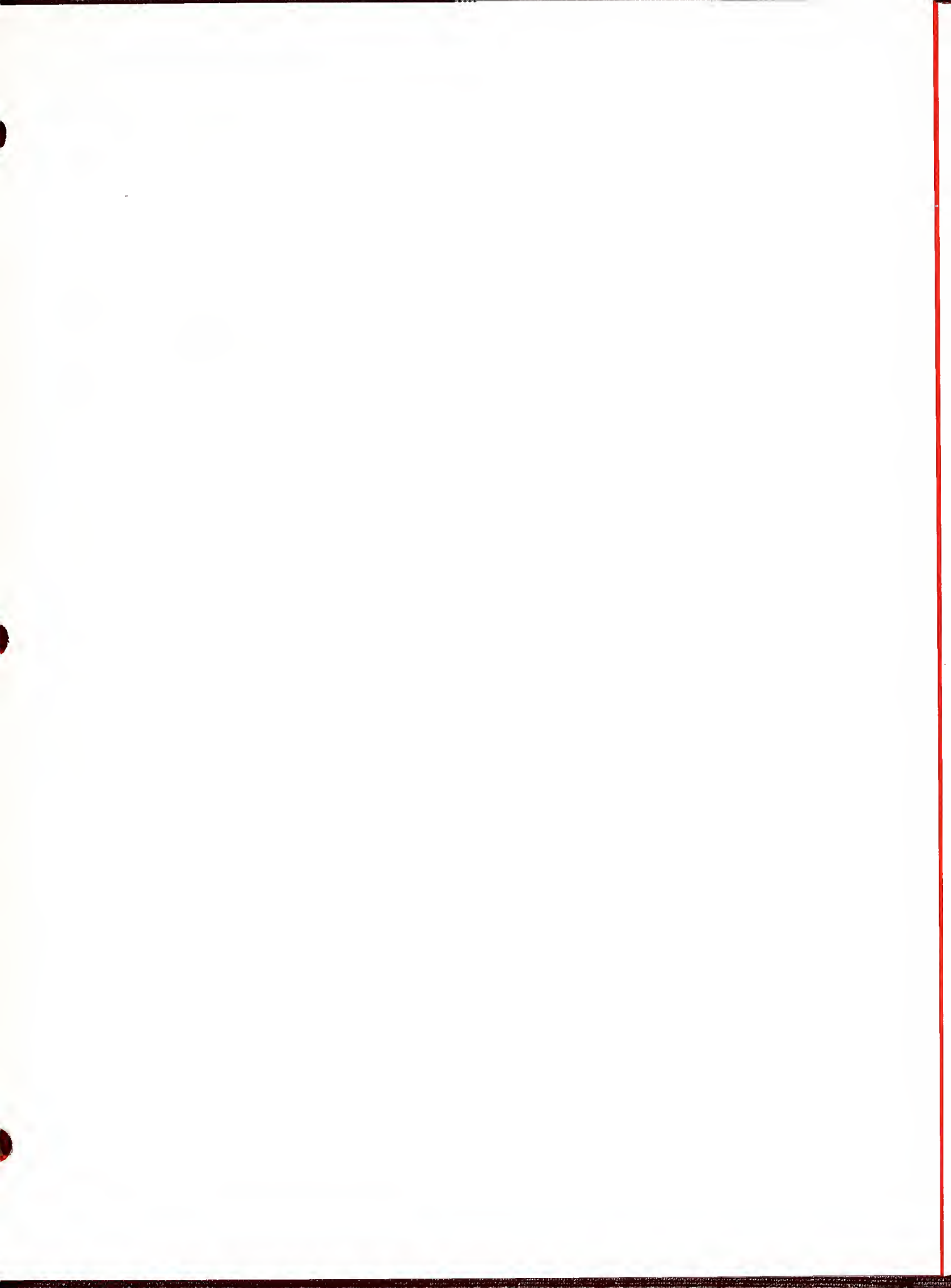
19A NCAC 06B .0412 12:22 NCR 1981

19A NCAC 06B .0413 12:22 NCR 1981

VETERINARY MEDICAL BOARD

21 NCAC 66 .0207 12:23 NCR 2089

21 NCAC 66 .0208 12:23 NCR 2089



Name

Address

City

State

Zip

Place
Stamp
Here

Office of Administrative Hearings

P.O. Drawer 27447
Raleigh, NC 27611-7447

**NORTH CAROLINA REGISTER
ORDER FORM**

☐ Please enter my subscription for the *North Carolina Register* to start with the _____ issue.
(\$195.00/year subscription. N.C. subscribers please add sales tax.)

☐ Renew *North Carolina Register*

☐ Check Enclosed

☐ Please bill me

Please make check payable to Office of Administrative Hearings

Name

Address

City

State

Zip

CHANGE OF ADDRESS

1. Present Address

Name _____

Address _____

City _____

State _____

Zip _____

2. New Address

Name _____

Address _____

City _____

State _____

Zip _____

Office of Administrative Hearings
P.O. Drawer 27447
Raleigh, North Carolina 27611-7447

Periodicals Postage
Paid in Raleigh, NC
USPS 016727

***** 3-DIGIT 275

UNIV. OF NORTH CAROLINA
LAW LIBRARY CB# 3385
VAN HECKE-WETTACH 064-A
CHAPEL HILL NC 27599-